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June 15, 1993	June 22, 1993	27	July 2, 1993	Dec. 21, 1993	Dec. 28, 1993	2	Jan. 7, 1994

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

1) Heading of the Part: Asbestos Abatement Authority Act Procedures

2) Code Citation: 71 Ill. Adm. Code 500

3) Section Numbers: Proposed Action:

500.10	New Section
500.20	New Section
500.30	New Section
500.40	New Section
500.50	New Section
500.60	New Section
500.70	New Section
500.80	New Section

4) Statutory Authority: Implementing the Asbestos Abatement Authority Act (Ill. Rev. Stat., 1991, ch. 127 pars. 3500 et. seq., effective October 1, 1987, as amended by P.A. 87-14, effective July 24, 1991) [20 ILCS 3120/0.01 et seq.] and authorized by Illinois Administrative Procedures Act (Ill. Rev. Stat., 1991, ch. 127, pars. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.].

5) A Complete Description of the Subjects and Issues Involved: Sets forth procedures to be followed to identify and abate asbestos in State buildings, including citations to Federal and State laws and rules that are incorporated by reference which state specific standards and required procedures.

6) Will this proposed rule replace an emergency rule current in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporation by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: To provide State agencies and their contractors with guidelines to identify and abate asbestos in a safe, effective, and lawful manner. These rules are required by the Asbestos Abatement Authority Act (Ill. Rev. Stat., 1991, ch. 127, par. 3503) [20 ILCS 3120/3] and do not effect local governments.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments should be submitted in writing within 45 days of this notice and addressed to:

Claire Taylor, Legal Advisor
Capital Development Board

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

401 South Spring Street
3rd Floor Wm. G. Stratton Bldg.
Springfield, Illinois 62706

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 16, 1993

B) Types of small businesses affected: Asbestos abatement contractors and their subcontractors and suppliers; asbestos consultants, testing laboratories, and Architect/Engineering firms.

C) Reporting, bookkeeping or other procedures required for compliance: Incorporated references and CDB's Asbestos Survey Protocol describe documentation required for identification surveys and abatement.

D) Types of professional skills necessary for compliance: None other than certification or training requirements for inspectors or workers set out in incorporated references.

The full text of the Proposed Rule begins on the next page:

PART 500
ASBESTOS ABATEMENT AUTHORITY ACT PROCEDURES

Section

- 500.10 Purpose
- 500.20 Definitions
- 500.30 Incorporated Material
- 500.40 Applicability
- 500.50 Variances
- 500.60 Identification of Asbestos
- 500.70 Abatement of Asbestos Hazards
- 500.80 Management of Asbestos in Place

AUTHORITY: Implementing the Asbestos Abatement Authority Act (Ill. Rev. Stat., 1991, ch. 127 pars. 3500 et. seq., effective October 1, 1987, as amended by P.A. 87-14, effective July 24, 1991) [20 ILCS 3120/0.01 et seq.] and authorized by Illinois Administrative Procedures Act (Ill. Rev. Stat., 1991, ch. 127, pars. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.].

(Source: Adopted at ___ Ill. Reg. ___, effective ___)

Section 500.10 Purpose

These Asbestos Abatement Authority Act Procedures (Procedures) are established pursuant to "An Act in relation to asbestos" (Ill. Rev. Stat., 1991, ch. 127, pars. 3500 et. seq., effective October 1, 1987, as amended by P.A. 87-14, effective July 24, 1991) [20 ILCS 3120/0.01 et seq.] requiring the Capital Development Board (Board) to develop and implement a program for the identification and abatement of asbestos in all State governmental buildings and to adopt rules and regulations consistent with this purpose.

Section 500.20 Definitions

- a) "ACM" means Asbestos Containing Material.
- b) "Asbestos Survey Protocol" means CDB's A/E Manual of Procedures for Asbestos Inspections & Management Plans which sets forth procedures for surveying ACM in State buildings.
- c) "Board" means the Capital Development Board.
- d) "Building" means any structure used or intended for supporting or sheltering any use or occupancy.
- e) "Management Plan" means a plan to provide for management of the

asbestos in place, pending removal, and to establish the recommended response action.

f) "Operations and Maintenance Program" (O & M Program), means a plan of work practices to provide for the safe operation of a building with ACM, and to keep the ACM in a state of good repair. The O & M Program is a component of a Management Plan.

g) "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

Section 500.30 Incorporated Material

a) The following laws, regulations and rules are hereby incorporated by reference as part of these Procedures:

- 1) The Illinois Department of Public Health (IDPH) Rules and Regulations (77 Ill. Adm. Code 855) as amended July 20, 1990, implemented and authorized by the Asbestos Abatement Act (Ill. Rev. Stat. 1991, ch. 122, pars. 1401 et seq.) [105 ILCS 105/1 et seq.].
- 2) United States Environmental Protection Agency (USEPA), Asbestos Hazard Emergency Response Act (AHERA) (40 CFR 763, Subpart E, F, and G (1992)).
- 3) National Emission Standard for Hazardous Air Pollutants (NESHAP) (40 CFR 61.Subpart M (1992)).
- b) All incorporation by reference refer to the materials on the date specified but shall include any additions or deletions subsequent to the date specified without the necessity of amending this Rule.
- c) Copies of the incorporated materials are available for inspection and copying by the public at the Capital Development Board, 3rd Floor, Wm. G. Stratton Building, Springfield, IL 62706.

Section 500.40 Applicability

This Part applies to all State governmental entities involved in management, maintenance, construction, renovation, remodeling or repair of State owned buildings or structures.

Section 500.50 Variances

The Board shall have the authority to issue variances from these rules, except for schools covered by IDPH.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

Section 500.60 Identification of Asbestos

The asbestos survey protocol compatible with current regulations incorporated by reference above shall be utilized as follows:

- a) A Statewide asbestos survey will be completed by CDB as funds are available through cost recovery litigation or from State's General Revenue Fund. The purpose of the survey shall be to produce a Management Plan, if applicable.
- b) Entire buildings or structures shall be surveyed in conjunction with renovation and demolition projects to identify ACM.
- c) Surveys may be conducted whenever suspected asbestos hazards are reported.

Section 500.70 Abatement of Asbestos Hazards

Asbestos shall be removed when necessary to complete ongoing renovation or demolition projects, when immediate asbestos hazards exist, or when removal is deemed to be cost effective. Non-removal hazard abatement methods shall be used where appropriate.

Section 500.80 Management of Asbestos in Place

Management Plans identify all ACMs in each building and recommend how each area of asbestos shall be handled. All buildings or structures that have not been surveyed shall be issued a standard (non building specific) O & M Program developed by the Board.

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Carnival and Amusement Ride Inspection Law

- 2) Code Citation: 56 Ill. Adm. Code 6000

- 3) Section Numbers:
6000.120
Proposed Action:
Amendment

- 4) Statutory Authority: Implementing action taken by the Carnival-Amusement Safety Board at their January 16, 1993 meeting. (Ill. Rev. Stat. 1939, ch. 111 1/2, par 4051 et. seq.) [430 ILCS 85/2-1 et seq.].

- 5) A Complete Description of the Subjects and Issues Involved: The Carnival-Amusement Safety Board has learned that some companies are renting out amusement rides and amusement attractions without providing a trained operator to set up and operate the equipment. The Board believes that the lack of a trained person in attendance creates a safety hazard for the people using the ride or attraction and is taking corrective action.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Will this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: Any branch of state or local government who owns or operates an amusement ride or amusement attraction shall be affected in the same manner as any other operator in the state. Any additional expenditures from local revenue for compliance with this rule are considered minimal.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Public hearings will be held as follows:

April 29, 1993
1 p.m.

April 30, 1993
1 p.m.

Illinois Department of Labor
21 W. Old State Capitol Plaza
Room 300
Springfield, IL 62704

Illinois Department of Labor
State of Illinois Building
160 N. LaSalle, Ste. C-1300
Chicago, IL 60601-3150

Written and/or oral testimony may be presented at either hearing.

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENT(S)

Persons desiring to submit written comments may do so within 45 days of this notice. All correspondence should be addressed to:

Carl Kimble, Chief Inspector
Carnival & Amusement Ride Division
Illinois Department of Labor
21 W. Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
Telephone: (217) 782-9347

12) Initial Regulatory Flexibility Analysis:

- A) Data rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs March 18, 1993
- B) Types of small business affected: This rule affects the owners and operators of all amusement rides and amusement attractions.
- C) Reporting, bookkeeping or other procedures required for compliance: This rule does not alter requirements that are currently in effect.
- D) Types of professional skills necessary for compliance: This rule does not alter the skill levels that are currently required.

The full text of the Proposed Amendment begins on the next page.

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XIII: CARNIVAL-AMUSEMENT SAFETY BOARD

PART 6000
CARNIVAL AND AMUSEMENT RIDE INSPECTION LAW

Section	Definitions
6000.10	Exemptions
6000.20	Inspections
6000.30	Application for a Permit to Operate
6000.40	Permit and Inspection Fees
6000.50	Revocation of Permit to Operate (Repealed)
6000.60	Suspension of Permit to Operate
6000.65	Ride Design and Construction
6000.70	Insurance
6000.80	Penalties
6000.90	Appeals
6000.100	Assembly and Disassembly
6000.110	Operator Requirements
6000.120	Passenger Conduct
6000.130	Signal Systems
6000.140	Daily Inspection and Test
6000.150	Reports
6000.160	Maintenance
6000.170	Stop Operation Order
6000.180	Fire Prevention and Protection
6000.190	Internal Combustion Engines
6000.200	Means of Access and Egress
6000.210	Electrical Equipment
6000.220	Hydraulic Systems
6000.230	Air Compressors and Equipment
6000.240	Wire Rope
6000.250	Chain
6000.260	Inflated Amusement Attractions and Inflated Buildings
6000.270	Non-Destructive Testing
6000.280	Ski Lifts, Aerial Tramways, and Rope Tows
6000.290	Go-Karts, Dune Buggies and All-Terrain Vehicles
6000.300	Water Slides
6000.310	Dry Type Slides
6000.320	Trams
6000.330	Bungee Jumping
6000.340	

AUTHORITY: Implementing and authorized by the Carnival and Amusement Rides Safety Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4051 et seq.) [430 ILCS 85/2-1 et. seq.].

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10 Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 19117, effective October 27, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 5896, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENT(S)

days; emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 3235, effective February 9, 1990, for a maximum of 150 days; emergency expired July 9, 1990; amended at 15 Ill. Reg. 4109, effective February 28, 1991; emergency amendment at 16 Ill. Reg. 7716, effective May 11, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12436, effective August 1, 1992; amended at 16 Ill. Reg. 13415, effective September 28, 1992; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 6000.120 Operator Requirements

- a) The ride operator shall be at least 16 years of age (The Child Labor Law, Ill. Rev. Stat. 1987, ch. 48, par. 31.1).
- b) The ride operator shall operate no more than one amusement ride or amusement attraction at any given time, even if automatic timing devices are used to control the time cycle of the ride.
- c) The ride operator shall be trained in the proper use and operation of the ride/attraction as provided for in ASTM F770-82 (1982) and ASTM F853-83 (1983) and shall be an employee of the owner/operator.
- d) The ride operator shall ensure that all passenger safety devices are in place around patrons before starting.
- e) The ride operator shall be within arms length of the ~~entering~~ controlling operators station when the ride is in motion/attraction is in use.
- f) The ride operator should not operate any ride while under the influence of alcohol or drugs.
- g) The operator shall ensure that no one is permitted on a ride while carrying any article i.e., food, beverages, packages, lighted cigarettes, etc., which could endanger the rider or spectators.

(Source: Amended at _____ Ill. Reg. _____, effective _____).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) Section number: Proposed Action:
1.2215 Amendment
- 4) Statutory Authority: Implementing and authorized by PA 87-701 and 87-628.
- 5) A Complete Description of the Subjects and Issues Involved:
Identifies a 2% goal for businesses owned by persons with disabilities. Requires that agencies provide information to the Secretary immediately regarding professional service contracts.
- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

- 12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

The full text of the Proposed Amendments begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS AND
PROPERTY MANAGEMENT

SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART I

STANDARD PROCUREMENT

SUBPART A: GENERAL

Section

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1.110 Policy
1.120 Applicability
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Section

1.400 Open Source of Supply
1.410 Special Sources
1.420 Directed Source

SUBPART E: METHODS OF PROCUREMENT

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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1.530 Statutory Circumstances Allowing Negotiation
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1.550 Multiple Awards
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1.720 Time and Place to Submit Bids
1.730 Submission of Bids
1.740 Change or Withdrawal of Bid
1.750 Submission Binding
1.760 Bid Reservations

SUBPART H: RESPONSIBILITY OF BIDDER

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1.800 Bidder Must be Responsible
1.810 Determination by Procuring Agency
1.820 Proof of Responsibility
1.830 Standards of Responsibility
1.840 New Bidders

SUBPART I: BID AND PERFORMANCE SECURITY

Section

1.900 Security Required
1.910 Form of Security
1.920 Amount
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1.940 When Allowed or Required
1.950 Annual Security
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SUBPART J: SPECIFICATIONS AND SAMPLES

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Payment for Samples
Product Demonstration

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Bid Opening
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Supplementary Orders
Delay in Award
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Prompt Action Essential
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- 1.2400 Inspection and Audits
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1.2420 Government Furnished Property
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1.2440 Collusive Bids
1.2450 Identical Bids
1.2460 Proprietary Information
1.2470 Severability

AUTHORITY: Implementing and authorized by the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.1, et seq.) [30 ILCS 505/1, et seq.]; "AN ACT in relation to State purchases of printing paper, stationery and envelopes" (Ill. Rev. Stat. 1991, ch. 127, par. 132.101, et seq.) [30 ILCS 510/1, et seq.]; State Printing Contracts Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.201, et seq.) [30 ILCS 515/1, et seq.]; the Minority and Female Business Enterprise Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.601 et seq.)

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[30 ILCS 575/11.]

SOURCE: Adopted at 7 Ill. Reg. 100, effective December 17, 1982, amended at 7 Ill. Reg. 13481, effective October 4, 1983; amended at 7 Ill. Reg. 13844, effective October 12, 1983; codified at 8 Ill. Reg. 14941; Sections 1.2210, 1.2220, 1.2230, 1.2240 recodified to Section 1.2210 at 9 Ill. Reg. 6118; amended at 10 Ill. Reg. 923, effective January 2, 1986; amended at 10 Ill. Reg. 18707, effective October 22, 1986; amended at 11 Ill. Reg. 7225, effective April 6, 1987; amended at 11 Ill. Reg. 7595, effective April 14, 1987; amended at 13 Ill. Reg. 17804, effective November 7, 1989; emergency amendment at 16 Ill. Reg. 13118, effective August 7, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 600, effective January 5, 1993; amended at 17 Ill. Reg. _____, effective _____.

Section 1.2215 Minority and Female-Owned Business

a) Introduction

The Minority and Female Business Enterprise Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.601, et seq.) [30 ILCS 575/1, et seq.] (Act) authorizes the establishment of sheltered markets for minority and female-owned business, sets a minimum 10% expenditure goal for State contracts, and creates the Minority and Female Business Enterprise Council (Council) to oversee the Minority and Female Business Enterprise Act.

b) Goal

The Governor, all departments, officers, boards, commissions, institutions and bodies politic and corporate of the State including the governing boards of the various State colleges and universities (from this point forward referred to as state agency or agency unless specifically exempted) and excepting other constitutional officers, shall establish a goal that at least 10% 12% of the dollar value of State contracts be awarded to minority and female-owned businesses. Contracts representing 50% of the dollar value associated with the established goal shall be awarded to minority-owned businesses and the other 50% awarded to female-owned businesses. Of that 12%, 5% shall be for female-owned businesses, 2 for businesses owned by persons with disabilities and not-for-profit agencies for the disabled and the remaining 5 for other minority-owned businesses.

c) Contracts and Expenditures Subject to Act

- 1) Agencies subject to the goal established above shall include under this program all contracts funded in whole or in part with funds appropriated by the General Assembly, unless exempted elsewhere in this Part. Funds shall be excluded from the Minority and Female Business Enterprise Act program if receipt

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- of those funds would be jeopardized by including them in the program.
- 2) The following are not considered to be contracts or resulting expenditures subject to the Act:
 - A) employee wages, salary and other payroll related costs
 - B) contracts between State agencies not including payments to private vendors
 - C) contracts with other governmental entities
 - D) refunds of money
 - E) payments of money to individuals or groups in the nature of reimbursement, settlement, entitlement, or assistance
 - F) where the contract is subject to federal reimbursement
- d) Council Review of Contract Categories
- The Council shall, pursuant to Section 7(2) of the Minority and Female Business Enterprise Act, review each appropriation object as found in "AN ACT in relation to State finance" (Ill. Rev. Stat. 1991, ch. 127, par. 145f) [30 ILCS 105/9.05] and detail objects found in the Comptroller's Uniform Statewide Accounting System Manual. If after investigation it is determined that one or more minority or female-owned firms are currently capable of providing goods or services in particular categories, those categories shall remain as subject to the goal. If, however, investigation shows no minority or female-owned firms are currently engaged in providing the particular good or service in question then the Council shall consider removing the category and associated expenditures from the goal for the current fiscal year. Such removal shall occur only if the Council also finds that there is no reasonable expectation that minority or female-owned firms will enter the field during that fiscal year. Any action to remove a category from the goal under this Section shall be by written resolution passed by the Council. Pursuant to Section 7(2) of the Minority and Female Business Enterprise Act the Council has determined the following detail objects are exempt from the goal.

Assistance Payments to Individuals
 Association Dues
 Awards and Grants to Students
 Awards, Benefits and Treatment Expenses – Injured Employees
 Burial Expense Awards
 Community Services for DMHDD and Chemically Dependent
 Court of Claims Awards

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Debt Retirement
 Electricity
 Employee Tuition Fees
 Fire Protection Services
 Gas (Natural Gas)
 Grants for Educational Purposes – School Districts
 Grants for Educational Purposes – Higher Education
 Grants to Local Governments (other)
 Grants to Non-Profit Organizations
 Grants to Other State Agencies
 Grants to or on behalf of Veterans and their Dependents
 Industrial Commission Awards or Settlement Awards for Injured Employees
 Interviewee Expenses
 Land (Relocation Costs)
 Land, Relocation Costs (Highways)
 Land, Relocation Costs (Waterways)
 Land, Right of Way and Easements
 Land, Rights of Way and Easements (Highway)
 Land, Rights of Way and Easements (Waterways)
 Legislative Staff Services
 Loans
 Lottery Prizes
 Operating Taxes, Licenses and Fees
 Payments into Pension Funds
 Payments to Local Governments for Employees
 Pensions, Annuities and Benefits
 Postage and Postal Charges
 Purchase of Investments
 Refunds
 Registration Fees and Conference Expenses
 Reimbursement for Living Expenses for State Wards Outside State Institutions
 Reimbursements to Governmental Units
 Retirement
 Revenue Stamps
 Shared Revenue Payments
 Shared Waterway Agreements
 Social Security
 Taxes and Transfers
 Tort Claims
 Tuition, Training Supplies and Equipment for Aided Persons
 Unemployment Compensation Payments
 University Central Data Processing Services
 University Central Supply Services
 University Central Telecommunication Services
 University Central Transportation Services
 University Central Plant Services
 Utilities (Other)

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Water

e) Council Review of Specific Contracts

Any State agency may ask that the Council exempt specific contracts from the goal. Justification of the exemption request must include documentation of outreach efforts to identify and use Minority Business Enterprise (MBE's) and Female Business Enterprise (FBE's), the anticipated expenditures in each area where an exemption is requested and the total agency appropriation. Upon written request by any State agency the Council shall exempt specific contracts from the goal if the agency can show that a diligent effort failed to locate one or more minority or female-owned businesses that could perform the contract at a reasonable price. A diligent effort requires solicitation of appropriate vendors from the master vendor list maintained by the Council, checking with the Council for updates to the list, and advertising in the official State Newspaper and locally if in the judgment of the procuring agency it is more likely to reach minority and female-owned business. In addition, when the decision to procure is first made the procuring agency shall provide as much information about the procurement as is then available to the Secretary and shall provide a copy of the Invitation for Bid, Request for Proposal or other solicitation information when in final form. Whether price quoted is reasonable will be determined by the Council based upon current market prices, historical prices, prices received by other agencies for similar goods or services, the policy of the Minority and Female Business Enterprise Act to promote minority and female-owned business and other such relevant factors. Any action regarding a request for specific exemption shall be by resolution passed by the Council.

f) Goal Measurement

- 1) The goal shall be measured on a full fiscal year basis. The goal shall be measured against the total amount of covered expenditures. Expenditures not covered are those mentioned in subsections (c)(2), (d) and (e) above.
- 2) Certain procuring agencies such as the Department of Central Management Services and the Capital Development Board are responsible for establishing contracts for other (user) agencies. Those procuring agencies shall be responsible for meeting the goal for such contracts even though the user agency may have the appropriation to fund the contract. To properly account for the goal in these situations the following procedures shall be followed:
 - A) The user agency shall review its budget and subtract from its appropriation in each major or minor object code the

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amount anticipated to be spent on contracts established by the procuring agency. The amount anticipated to be spent on contracts established by the procuring agency shall be reported to the Department of Central Management Services.

- B) Those amounts reported by user agencies to Department of Central Management Services shall be assigned by the Secretary to the appropriate procuring agency. Such amounts will be included in the amount upon which the procuring agency goal is based. This procedure does not result in money actually being transferred from the user agency to the procuring agency. Rather, the transfer is for compliance plan accounting purposes only.
 - C) If a procuring agency delegates procurement authority to a user agency, the procuring agency's goal base shall be reduced in amount of the delegation and the user agency's goal base shall be increased in like amount.
 - D) If the user agency transfers money from a line subject to procuring agency authority, the procuring agency's goal base shall be reduced by that amount and the user agency's goal base in the major or minor object code receiving the transfer shall be increased.
- g) Minority and Female Status
- 1) Minority or female-owned business refers to for-profit enterprises regardless of form of organization (sole proprietorship, partnership or corporation).
 - 2) A female-owned business shall be counted or included for sheltered market and goal purposes as a female-owned business regardless of the ethnicity of the female owner or owners.
 - 3) For a business to qualify as minority-owned, only those minorities who are male shall be counted or included for sheltered market and goal purposes except that a firm which is owned 50% by minority males and 50% by minority females shall be considered a minority-owned business for purposes of the Act.
 - 4) A business owned by a person with a disability or a not-for-profit agency for the disabled shall be counted or included for sheltered market and goal purposes as a business owned by a person with a disability regardless of the ethnicity or gender of the owner or owners. Said classification will be made for the sole purpose of facilitating consistent accounting of agency contract awards to businesses covered by the MAFBE Act and is not intended to preclude such businesses or

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not-for-profit agencies from receiving any contract that may be awarded under the MAFBE Act or any other contract award procedure used by state agencies and universities.

h) Sheltered Market

- 1) Procuring agencies are authorized to limit prospective vendors to minority and/or female-owned businesses or to require that vendors utilize minority and female-owned subcontractors for certain categories of contracts or for specific contracts. When a sheltered market set-aside is made the advertisement and/or bid document, if applicable, shall clearly state the contract is available for only minority and/or female-owned business.

Sheltered market set-asides may be effective for such period of time and for such number of contracts as the Procuring Agency determines is necessary to reach the goal.

- 2) Sheltered market set-asides shall be used by procuring agencies as the primary means of meeting the contracting goal when the quarterly progress reports indicate the goal established in the agency's compliance report is not or will not be met and the goal is not modified by mutual agreement between the agency and the Department.

- 3) Each procuring agency shall notify the Secretary in writing ten days prior to establishment of a set-aside.

- 4) If the procuring agency determines that acceptance of the set-aside bid will result in payment of an unreasonable price, the procuring agency shall reject the bids. The agency shall then either rebid under the set-aside or withdraw the set-aside designation for the particular procurement. Before a set-aside may be withdrawn, the procuring agency shall submit to the Secretary a written statement detailing why the price given is unreasonable. The Secretary shall respond within three working days approving the withdrawal of the sheltered market if, based upon current market prices, historical prices, prices received by other agencies for similar goods or services, the policy of this Act to promote minority and female-owned business and other such relevant factors, the price appears to be unreasonable. If the Secretary determines the price is reasonable the request to withdraw will be denied. If no answer is received the set-aside may be withdrawn. When a set-aside is withdrawn, the procuring agency shall notify each minority or female-owned firm that bid explaining why the set-aside was withdrawn. The procuring agency shall provide a copy of the notice to the Secretary.

- 5) Procuring agencies shall consider reducing or eliminating bond requirements when allowed by law and when the reduced bond

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amount would adequately protect the State's interests.

- 6) Any contract awarded to a minority or female-owned business pursuant to this Section may contain a provision allowing advance or progress payments or both. A construction contract may not contain an advance payment provision. The advance or progress payment provision may be added to a contract at any time by agreement of the parties. Procuring agencies shall consider initiating use of such provisions and shall consider requests from minority and female-owned businesses to include such provisions in State contracts. Section 9.05 of "AN ACT in relation to State finance" (111. Rev. Stat. 1991, ch. 127, par. 145f) [30 ILCS 105/9.05] may be applicable to contracts with such provisions.

- 7) Only certified minority and female-owned businesses may participate in sheltered markets.

- 8) The governing boards of State colleges and universities are not required to comply with this subsection (h) and may establish their own rules governing topics described in this subsection (h).

i) Subcontracting

- 1) Agency goals may be satisfied in part by counting expenditures made by State vendors to certified minority and female-owned businesses as subcontractors.
- 2) Agencies may require that vendors agree to contract with minority or female-owned business as subcontractors so that up to 10% of the project costs are paid to the minority or female-owned subcontractor.
- 3) Agencies shall not require that a vendor enter into subcontracts with minority and female-owned business when subcontracting is not necessary for the vendor to perform.
- 4) When minority or female-owned subcontractors are required, the vendor may be required to designate them by name and anticipated expenditure as a part of the bid. Alternatively the bid may merely require that the vendor hire the necessary subcontracting to meet the subcontractor expenditure requirement.
- 5) If no vendor can locate minority or female-owned subcontractors willing to subcontract or if a designated minority or female-owned subcontractor is later unable or unwilling to perform, the vendor shall be excused from having to comply with the requirement provided a good faith effort was made to locate

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or replace the needed minority or female-owned subcontractor.

- 6) Good Faith Effort
 - A) A good faith effort shall, at a minimum, consist of the following:
 - i) contacting the Minority and Female Business Enterprise Division of the Department of Central Management Services (Division) at least 15 days prior to need and requesting referrals from the certified vendor list and from any other list maintained by the Division.
 - ii) advertising in the Official State Newspaper or a local newspaper as time permits.
 - iii) contacting appropriate organizations such as unions, contractor associations, and minority or female oriented organizations.
 - B) Any vendor claiming good faith relief must fully document, in writing, the steps taken to obtain minority and female-owned subcontractors. The procuring agency may require additional information if the submittal does not meet the criteria stated above.
- 7) If a good faith exception is given, the procuring agency shall notify the Secretary of the Minority and Female Business Enterprise Council of the exception and shall include all pertinent information.
- 8) A vendor who obtains a contract requiring hiring of minority and female-owned subcontractors and who fails to do so and who does not qualify for a good faith exception is subject to having the contract cancelled and shall be liable for any damages the State may suffer because of the cancellation and need to find a substitute contractor.
- j) Minority and Female-Owned Business Certification
 - 1) Each minority and female-owned business, whether in a direct or subcontract relationship with the State, must be certified in accordance with the provisions of this Part established by the Council before the business is eligible to bid for or accept a contract or subcontract under the set-aside authorized by subsection (h). The primary purpose of the certification process is to determine if ownership is by minorities or females and to determine if minorities or females have operational control of the firm.

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- 2) No agency may count expenditures with a non-certified vendor toward meeting the goal.
- 3) Vendors shall be self-certified upon submission of the Bidder's Application Form issued by the Department of Central Management Services and approved by the Council provided the information on the form is complete and accurate and indicates on its face that it is a minority or female-owned business as defined by the Act. This self-certification is valid until revoked for failure to provide additional information necessary to complete the Bidder's Application Form or for failure to comply with program eligibility requirements of the Minority and Female Business Enterprise Act or of this Part.
- 4) The full certification procedure is more detailed and requires that the Secretary (Manager of the Minority and Female Business Enterprise Division of the Department of Central Management Services) make determinations. The Secretary shall present, annually, a plan for subjecting self-certified firms to the full certification procedure. Such plan shall give first priority to those self-certified firms who have been or are about to be awarded a contract under the program. After that, priority will be determined by the date of the bidder's application form. In addition, the Secretary will in the event of an internal or third party challenge to the status of any self-certified firm conduct a full certification. The full certification procedure is outlined below.
 - 5) Application
 - A) The firm seeking certification must obtain a MBE/FBE application package which includes:
 - i) A letter of transmittal summarizing the program.
 - ii) Form IL-401-1318 Application for MBE/FBE Certification.
 - iii) Form IL-401-1319 Application for MBE/FBE Joint Venture Certification Application.
 - B) Form IL-401-1318 or IL-401-1319 must be completed, and all required attachments to meet the tests under subsections (j)(11), (j)(12), (j)(13), (j)(14) and (j)(15), or a written explanation of their absence, must be submitted before a determination of eligibility can be made. A sufficient explanation for the absence of required attachments is that they do not exist or do not apply to the applicant. The application package may be obtained from the Minority and Female Business Enterprise Division

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of the Department of Central Management Services (Division). The completed form must be returned to the Division.

Certification by other entities such as state and local governments or vendor associations will be accepted by the Council, provided that the other entities' certification procedures equal or exceed the standards set forth in this Part and provided that the Council has investigated their certification procedures and has entered into an agreement that the standards will not be changed without prior notification to the Council. The Division staff shall ensure that the other entities' certification requirements continue to equal or exceed the standards set forth in this Part and can therefore be accepted by the Council. The Division will accomplish this by annually reviewing the other entities' requirements and verifying that they equal or exceed standards of this Part. If the other entities requirements no longer equal or exceed the requirements of this Part and they refuse to make needed adjustments, the Division will no longer accept that entities' certifications. The Division will review each such certifications, beginning with the most recent, and act to revoke certifications of those vendors who do not meet the requirements of this Part. Certifications previously issued by that other entity will be honored until revoked by the Secretary.

6) File Preparation

- A) The Division staff will establish a file for each application received and the following information will be recorded into an alphabetized log, entitled "MBE/FBE Applications Received":

- i) date of application
- ii) date received
- iii) name of firm
- iv) name of principal (usually the President)
- v) address
- vi) telephone number
- vii) type of certification sought (MBE or FBE)
- viii) nature of the firm's business (products or services provided)

- B) The same information will be recorded in the applicant's file on a form entitled "Receipt of Application Report".

7) The Initial File Review for Accuracy and Completeness

The file will be reviewed to ensure the following:

- A) All portions of the application form have been completed (including required attachments), marked not applicable (N/A.) or a satisfactory explanation for lack of completeness has been provided.
- B) The application form is signed by the owner or manager and notarized. The notary cannot be an owner or a shareholder.
- C) Missing documents or explanation of their absence will be noted, and the applicant will be requested to comply with an information request. If the applicant has indicated the firm has certified status through another organization, but no letter of certification has been included, the letter shall be requested at this time.
- D) Beginning at this point, notes on all phone calls and other contacts with the applicant will be recorded on the MBE/FBE interview form.

8) Second File Review Other MBE/FBE Certifications

9)

Additional Data Collections

If the applicant has not been previously certified as a MBE/FBE, the Division staff will conduct a personal interview with the applicant which may include a telephone interview and/or an announced on-site visit. During the on-site visit, the Division staff will use Form IL-401-1318 or Form IL-401-1319, whichever is appropriate and the site visit checklist to collect information to verify the application. The on-site visit will be completed upon review and approval of the completed application. The on-site visit may be triggered at any point during the certification process to verify compliance or at any point prior to the time of recertification.

10)

Determination of Eligibility

Upon completion of a thorough examination of all information gathered from all sources (the application form, site visit, prior history, and other source data), the Division staff will begin the process to determine eligibility. The goal should be to complete the entire certification process within 60 days of completion of the initial review under subsection (j)(7) including determination of eligibility, submission of recommendation to the Secretary and completion of the certification decision. Each element in the determination process is based upon the requirements of the Act and the eligibility standards determined by the Minority and Female

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Business Enterprise Council, and therefore must be satisfied before an applicant can be certified. Each standard must be answered completely before another one is considered. If a firm fails to meet one of the eligibility standards, no further consideration shall be given to the application and the certification shall be denied or a certified firm shall be decertified, and notified of the appeal process.

11) First Test

A business which has annual gross sales for its most recent fiscal year of less than \$14 million is eligible for the program. A business with gross sales of \$14 million or more in its most recent fiscal year is eligible to participate in the program if the business can show that if it were to receive a particular contract or subcontract there would be a significant impact on employment of minority or female individuals or in the use of minority or female owned subcontractors or suppliers. For the impact to be significant in terms of employment, the business would have to hire new employees with a full time equivalence to 50% of their work force and at least 51% of those new hires must be minority or female individuals. For the impact to be significant in terms of use of subcontractors or suppliers, the business must direct 75% of the value of the contract to minority or female owned subcontractors or suppliers. If the business makes contractual commitments regarding hiring or use of subcontractors or suppliers and agrees to appropriate enforcement mechanisms, such as bonding or damage provisions, the Council will approve award of a contract to such business.

12) Second Test

The second test the applicant must meet is whether the firm is owned and controlled by a person who is a citizen or lawful permanent resident of the United States. Proof of citizenship or permanent residency must be confirmed by a birth certificate, naturalization papers, permanent resident status documents, passports or other documents.

13) Third Test

- A) The third test is whether the applicant firm is owned or controlled by a person who is a minority or female.
- B) Documentation such as birth certificates, passports, naturalization papers, Indian rolls, is required, if available, as proof that the owners are in one of the eligible groups (see Section 2 of the Act):

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- i) Black - a person having origins in any of the black racial groups in Africa
- ii) Hispanic - a person of Spanish or Portuguese culture with origins in Mexico, South or Central American or the Caribbean (regardless of race)
- iii) American Indian or Alaskan Native - a person having origins in any of the original people of North American.
- iv) Asian American - a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands.
- v) Female - a person who is a citizen or lawful, permanent resident of the United States, and who is of the female gender.

C) If a person does not have documentary evidence or if it is not sufficient, the Secretary will consider, amongst other evidence submitted, whether the person is identified with or commonly recognized as belonging to an eligible group, has held himself out to be a member of one of the groups, has acted like a member of the community of one of the groups, and would be identified by a person at large as one of the groups.

14) Fourth Test

The fourth test which must be met by an applicant is that the firm must be at least fifty-one percent (51%) owned by one or more minority or by one or more females or in the case of a corporation, at least fifty-one percent (51%) of the stock must be owned by one or more minority persons or one or more females. The ownership shall be real, substantial and continuing. To determine interest in the firm, as the standards indicate, the committee must look beyond the ownership stated as a matter of form. Real is defined as a bona fide investment in the firm done at arms length and in good faith. Substantial is defined as the investment necessary to initiate a business in light of the type of work to be done, the organization of the concern, and the potential resources of the financial relationship with other businesses. The application should be carefully reviewed to determine:

- A) If the minority or female ownership is 51% or more

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- B) If the minority or female owners obtain ownership by gift or inheritance or make substantial contribution in terms of expertise, money, etc. The contribution is analyzed in such a way as to disclose whether the investment in the firm reflects the asserted ownership interest. The Secretary will consider the following, amongst others, as indicators of insufficient contribution:
- i) minimal cash outlay or personal investment
 - ii) a promise or agreement to contribute capital
 - iii) a note payable to the firm or other owners who are not minority or female.
 - iv) contributions for services rather than capital, except where services are unique, specialized or of a value commensurate with the ownership value of such services.
 - v) no recourse loans where the borrower assumes no liability for repayment upon default
 - vi) no recourse stock purchases where in the purchaser assumes no liability upon default of payment other than transaction of shares.
- C) Indicators of insufficient stock transactions include, but are not limited to, the following:
- i) minimal cash outlay or personal investment,
 - ii) a promise or agreement to buy stock,
 - iii) stock issued, but not purchased,
 - iv) stock certificates purchased but not in the possession of the minority or female owner, and
 - v) stock held in trust or as a guardian for a minor.
- D) The minority or female owner must, except in the case of gift or inheritance, provide evidence of payment, monetary or in kind or experience for their share of the ownership. Examples of evidence include but are not limited to cancelled checks, bookkeeping entries, signed agreements. The following items will also be reviewed:
- i) stock certificates,
 - ii) stock transfer ledgers,

- iii) proof of stock purchases (if any),
 - iv) stockholder agreements (if any),
 - v) partnership agreements (if any),
 - vi) profit sharing agreements (if any),
 - vii) buy-out-rights agreements, and
 - viii) other related documents.
- E) It will be determined if the minority or female owner paid the investment with a loan from a non-minority or male former employer or stockholder. Lack of proof of payment monetary or in kind will result in denial of certification or decertification.
- 15) The Fifth Test
- The fifth test the applicant must meet is that the minority or female person be in direct control of the day to day operations of the firm, as well as have the power to make major decisions on management, policy, fiscal, and operational matters. To make the determination the following items will be reviewed for evidence of non-minority or male control:
- A) Articles of incorporation will be reviewed to determine whether the minority or female owner was involved at the time of incorporation and in what way. If the minority or female owner was not involved at the time of incorporation, the time when he or she became involved in the firm and the manner in which it was done will be determined.
 - B) Corporate By-Laws will be reviewed to determine:
 - i) the duties of the directors and officers who occupy these positions,
 - ii) the voting rights of the shareholders, and
 - iii) any restrictive language which may affect the minority or female stockholder's voting rights.
 - C) Stock options/shareholders agreements which if exercised, will dilute or eliminate minority or female control.
 - D) Does the minority or female make decisions independently?
 - E) Review of resumes should determine whether the minorities or females have sufficient background including education and training for responsibilities assigned. However, no minimum educational or training requirements are imposed.

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F) The following will be determined:

- i) the minority or female owner continues to work for a non-minority firm. If so, what is the relationship of the firm to the applicant firm?
- ii) Who in the firm negotiates contracts loans, prepares estimates and makes other management and supervisory decisions?

16) Notification of Approval

When the Secretary has determined that all conditions of this Part have been met, the Secretary will notify the applicant by letter that such approval is made. This approval is for a period of one year from the date of the letter and may be renewed in accordance with subsection (j)(20). Such approval may be rescinded at any time within the year if it is determined that the applicant no longer satisfies the eligibility standards for a MBE/FBE. At this time the applicant is entered into the state's MBE/FBE Directory and the Division file as a certified MBE/FBE.

17) Notification of Denial

When the Secretary determines that the applicant firm does not meet the requirements of this Part and the Act, the Secretary shall send a letter by certified mail to the applicant setting forth the rationale for the determination, inviting the applicant to provide additional information in the areas of concern and advising the applicant of the review process. The Secretary shall remove the applicant from the list of certified vendors.

18) Review and Reconsideration

A) The Secretary shall inform the applicant of the decision within six months of receipt of the request for reconsideration. If the Secretary fails to inform the applicant within the six month period, the reconsideration request will be considered denied. If the decision is not favorable to the applicant or if no decision is rendered within the six month period, the Secretary shall inform the applicant of additional reviews that are available.

B) The applicant may request that the Council's Certification Committee, made up of at least five parties appointed by the Council's chair, review the reconsideration decision of the Secretary. This request must be submitted to the

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Secretary in writing and must be actually received by the Secretary no later than 45 days after applicant received the Secretary's decision. The request must state why applicant believes the Secretary's decision is wrong, must address all points raised in the Secretary's decision and must include any supporting documentation.

C) Upon receipt of the request for review, the Secretary shall contact the Council's Certification Committee. Inform them of the request, and establish a date and time to meet and review relevant information. The Secretary will attempt to schedule the meeting between 15 and 30 days after receipt of the request for review. The meeting shall be held in Springfield or Chicago unless the Committee agrees to meet at some other location. The applicant will be informed of the meeting schedule by letter mailed at least 10 days prior to the meeting date.

D) Prior to the meeting the Secretary shall provide each Committee member with a copy of the request for review and of the Secretary's file on the matter. In addition, the Secretary shall prepare and submit to the Committee a draft response to the points raised in the request for review. Each Committee member shall review the files prior to the meeting. Any Committee member may ask questions of the Secretary and the Secretary shall ensure that the questions and answers are provided to each Committee member.

E) Only the applicant, the applicant's representative, the Secretary, the Secretary's necessary assistants, the Committee members and necessary witnesses may be present. Although the applicant may have an attorney or other representative assist at the meeting, applicant must be present if any representative is present and applicant must respond to questions of the Committee. The meeting shall be conducted in an informal manner within these procedures and all information obtained shall be considered.

F) The Committee Chair shall call the meeting to order, shall announce the matter at issue and explain how the meeting will be conducted. Each party in attendance shall be identified. The Chair shall briefly restate the reasons given for the Secretary's decision and open the floor to the applicant.

G) The applicant may make an opening statement but must respond to each of the reasons given in the Secretary's decision. The applicant may call and question any witnesses. The Committee may ask questions of the

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applicant, the Secretary or any other person present. The Secretary may comment at any time and when applicant is finished the Secretary may call any witnesses. Both applicant and Secretary may make closing statements.

H) After listening to the applicant and the Secretary, the committee shall dismiss all persons present. The Committee shall meet in private to discuss the matter and shall make a decision from information obtained from the meeting. The decision will be based upon majority vote of the Committee.

I) If the decision is favorable to the applicant, the Committee shall inform the Secretary. The Secretary will place the applicant on the list of certified vendors. The Secretary shall notify the applicant, the Committee and the Council of this action.

J) If the decision is adverse to the applicant, the Committee shall inform the Secretary. The Secretary shall notify the applicant and the Council of this action. The applicant shall also be informed of the Committee's reasons and told of the next review procedure. Notice to the applicant shall be by certified mail.

K) The applicant may ask that the full Council review an adverse decision of the Certification Committee. The request must be submitted to the Secretary in writing and must actually be received by the Secretary no later than 15 days after applicant received the Committee's decision. This request must state why applicant believes the Committee's decision is wrong, must address all points raised in the Committee's decision and must include any supporting documentation.

L) The Secretary shall provide each Council member with a copy of the second request and a copy of the Secretary's file on the matter for review. In addition, the Secretary shall prepare and submit to the Council a draft response to the points raised in the second request for review. The Secretary shall consult with the Committee prior to submitting the draft.

M) The Council shall consider the second request at the next regularly scheduled Council meeting provided that the second request was received by the Secretary at least 21 days prior to the Council meeting. If received after that time the matter will be considered at the next following Council meeting. The applicant will be told of the location, date and time of the meeting.

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N) The Council shall consider only the written information provided or produced by the applicant, the Certification Committee and the Secretary. The Council may, on its own, request that the applicant address the Council or respond to specific questions. Although applicant may have an attorney or other representative assist at the meeting, the applicant must be available to respond to Council questions. The Council will allow the applicant to address the Council if such request is made as part of the second request.

O) After reviewing all information obtained, the Council shall vote to uphold the Committee's decision, overturn the Committee's decision or have the matter sent back to the Committee for reconsideration with instructions from the Council.

P) If the decision is favorable to the applicant, the Council shall inform the Secretary. The Secretary shall place the applicant on the list of certified vendors. The Secretary shall inform the applicant.

Q) If the decision is adverse to the applicant, the Council shall inform the Secretary. The Secretary shall notify the applicant.

R) If the decision is to send the matter back to the Committee, the process shall continue from that point until resolved at the Committee or Council level.

S) For purposes of this level of subsection, all notices shall be evidenced by certified mail receipt and/or an entry in the certification log maintained by the Minority and Female Business Enterprise Division.

19) Decertification

A) A firm that is certified (either self or full) may have that status challenged by the State or some third-party.

B) Upon receipt of information which questions the validity of a MBE or FBE certification, the Secretary shall conduct an investigation which may include on-site or telephone interviews, review of existing records submitted pursuant to subsection (j)(5)(B) or collection and examination of new records to supplement, explain or clarify records previously submitted.

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- C) If the investigation results in a finding that the firm is not or no longer eligible for MBE or FBE status, the Secretary shall notify the firm that it is decertified. The review and reconsideration procedures found in subsection (j)(18) are available to the firm that is given a decertification letter. After decertification the applicant may not apply for readmission to the program until one year has passed since the date of decertification. A certification of the applicant by another entity shall not be accepted during the one year period following decertification.

20) Recertification Process

- A) Forty-five days prior to expiration of a certification the Division staff will identify the firm and mail certified with return receipt an application for Certification as a Minority Business Enterprise/Female Business Enterprise. A cover letter will advise the firm to complete and return the application prior to the 15th day before the expiration of the current certification. Firms that fail to meet this deadline will be decertified.
- B) If the applicant submits the material 15 days before the expiration of the current certification, the original certification shall remain in effect until the Secretary completes the recertification process.
- C) Upon receipt of the recertification application the Division staff will review it for changes which affect eligibility under the Act or this Part.
- D) If no such changes have occurred, the Secretary will grant recertification. If changes in the business give rise to questions regarding eligibility, the Secretary will notify the firm requesting clarification and/or additional information.
- E) When all questions of eligibility have been clarified, the Secretary will issue a new certification good for a period of one year.
- F) If the Secretary determines that the firm is not eligible, a denial letter will be sent and the firm is eligible to initiate the appeal process.
- k) Minority and Female-Owned Business List

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- 1) The Council shall maintain a list of businesses that have been certified as minority or female-owned businesses. This list shall be made available to all procuring agencies.
- 2) Any lists of minority or female-owned business maintained by procuring agencies shall be forwarded to the Council.
- 1) Change of Status
- 1) Any contract awarded under a set-aside may not be assigned to another vendor without permission of the Secretary.
- 2) Should a vendor who received a contract under the set-aside cease to qualify as minority or female-owned during contract performance because of subsequent business transfer, reorganization or other similar actions, the procuring agency may cancel the contract immediately without penalty to the State.
- 3) Any change of the minority and female business status of a certified minority and female business shall be reported to the Council by both the vendor and the procuring agency.

m) Penalty to Vendor

The following penalties may be assessed in accordance with the Minority and Female Business Enterprise Act.

- 1) Refusal to supply proof or additional proof of status when claiming minority or female status shall result in suspension from participation in sheltered market programs for a period not to exceed one year.
- 2) Refusal to supply additional proof of status pursuant to subsections (j)(4) and (j)(6) above after receiving a contract under a set-aside shall result in suspension from receiving any additional State contracts for a period of one year and if in the State's interest, cancellation of existing set-aside contracts without penalty to the State. In determining whether to cancel an existing set-aside contract, the State shall consider the cost of utilizing another vendor, availability of another vendor, delivery time and other such factors.
- 3) Accepting a contract under any sheltered market procurement when the vendor does not qualify as a minority or female-owned business pursuant to subsections (i)(4) and (i)(6) above shall result in suspension from all State bidding and contracting for a period of one year. If it is in the State's interest the contract may be cancelled immediately without penalty to the state. In determining whether it is in the State's interest to

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cancel an existing set-aside contract, the State shall consider the cost of utilizing another vendor, the availability of another vendor, delivery time and other such factors. In addition, if the vendor knowingly misrepresented its status the amount of profit applicable to amounts paid to the vendor shall be withheld from any amounts owed to the vendor. If the amount owed the vendor is insufficient to off-set profits the vendor shall be liable to pay back to the State any balance thereof. The profit rate shall be deemed 20% unless a lesser or greater amount can be conclusively proved.

- 4) Governing boards of State colleges and universities may establish rules governing penalties.

n) If the Secretary finds a business in violation of the Minority and Female Business Enterprise Act or of this Part, the Secretary shall report such violation to the Illinois Attorney General. Any such violation found by any State agency or any person should be reported to the Secretary as soon as practicable after the finding.

o) Agency Compliance

- 1) Each agency, other than the governing boards of State colleges and universities, shall submit a compliance plan annually. The Council shall establish the format and timetable for submission of the plan. The Council shall approve the plan if it meets the requirements of this Part and the Minority and Female Business Enterprise Act.

- 2) The governing boards of State colleges and universities shall submit an annual report identifying by university and by campus their total appropriation, expenditures by major object code, expenditures with minority and female owned businesses broken down by major object code, expenditures with minority and female owned businesses broken down by ethnicity, and the names and addresses of minority and female business receiving contracts or subcontracts. The annual report shall also identify any significant accomplishments relating to the program.

- 3) The Council on its own motion or upon request of a procuring agency shall recommend ways in which the procuring agency may reach its goal. Upon finding by the Council that a procuring agency's compliance plan, as presently adopted or implemented, is insufficient to reach the agency goal, the Council shall recommend ways in which the agency can reach its goal. Such recommendations shall include but not be limited to the following (See Act, Section 2):

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- A) *assurances of stronger and better focused solicitation efforts to obtain more minority and female owned businesses as potential sources of supply;*

- B) *division of job or project requirements, when economically feasible, into tasks or quantities to permit participation of minority and female owned businesses;*

- C) *elimination of extended experience or capitalization requirements, when programmatically feasible, to permit participation of minority and female owned businesses;*

- D) *identification of specific proposed contracts as particularly attractive or appropriate for participation by minority and female owned business, such identification to result from and be coupled with efforts to subparagraphs (i) through (iii);*

- E) *implementation of those regulations established for the use of the sheltered market process.*

- 4) If the compliance plans or quarterly reports indicate the agency goal will not be reached, the Council will request the agency head to appear before the Council and explain the agency's non-compliance. If the Council determines the agency is not making a serious effort to reach the goal, the Council will then prepare a report for submission to the Governor with recommendations for remedial action.

p2) Professional and Artistic Contract Reporting

Professional and artistic contracts which must be reported to the Council pursuant to Section 6a of the Act shall be reported as follows:

- 12) Notice that a professional or artistic contract has been entered into or that the agency or university intends to enter into one shall be given to the Council on the same day that the contractor or first potential contractor is contacted. Notice may be hand delivered or given by fax.
- 22) The notice shall include the agency name and address; contact person; contract reference number; date bid or proposal was first available; return dates and opening dates; term of the contract; services to be provided; special requirements; and dollar value. Notice should be given on the form available from the Department.

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32 If the professional or artistic contract is advertised in the Official State Newspaper in accordance with Section 4 of the Illinois Purchasing Act, reporting as described above is not required.

(Source: Amended at Ill. Reg. _____, effective _____)

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- 1) The Heading of the Part: Illinois Farm Development Authority
- 2) Code Citation: 8 Ill. Adm. Code 1400
- 3) Section Numbers:

1400.146	<u>Proposed Action:</u>
1400.147	Amendment
1400.149	Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 5, par. 1207
- 5) A Complete Description of the Subjects and Issues Involved: The creation of Section 1400.146 and the changes to Sections 1400.147 and 1400.149 are to incorporate Public Act 92-3325.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: Not applicable.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All interested persons are invited to submit their written comments on the proposed action at any time during the first notice period to:

Laura A. Lanterman
 Chief Financial Officer
 Illinois Farm Development Authority
 427 East Monroe Street, Suite 201
 Springfield, Illinois 62701

- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 18, 1993.
 - B) Types of small businesses affected: Farms and agri-businesses.
 - C) Reporting, bookkeeping or other procedures required for compliance: No new measures are required by the proposed amendments.

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- D) Types of professional skills necessary for compliance: No new skills are required by the proposed amendments.

The full text of the Proposed Amendments begins on the next page.

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER VII: ILLINOIS FARM DEVELOPMENT AUTHORITY

PART 1400

ILLINOIS FARM DEVELOPMENT AUTHORITY

Section

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1400.180

Illustration A

Definitions
Composition, Appointment and Terms of Office
Officers
Executive Director
Meetings
Quorum
Reimbursement
Rules of Order
Records and Reports
Public Participation
Rulemaking Procedures
Purchasing Rules and Regulations
Rules and Guidelines Applicable to All Bond Programs
Bond Programs and Rules Applicable to Each
Rules and Guidelines Applicable to the Interest Buydown Program

Rules and Guidelines Applicable to the Young Farmer
Guarantee Program

Rules and Guidelines Applicable to the State Guarantee
Program for Restructuring Agricultural Debt

Rules and Guidelines Applicable to the Farm Debt Relief
Program

Rules and Guidelines Applicable to the State Guarantee
Program for Agri-Industries

Seal

Principal Office

Revision

Construction; Waiver; Severability

OIALP Regions (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Farm Development Act (Ill. Rev. Stat. 1991, ch. 5, par. 1201 et seq.) [20 ILCS 3605/1 et seq.] and by the Farm Credit Allocation Act (Ill. Rev. Stat. 1991, ch. 5, par. 1251 et seq.) [20 ILCS 3610/1 et seq.]

SOURCE: Emergency rules adopted at 6 Ill. Reg. 9340, effective July 15, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 242, effective December 22, 1982; emergency amendment at 8 Ill. Reg. 363, effective December 27, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 8489, effective May 31, 1984; emergency amendment at 9 Ill. Reg. 8186, effective May 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 15493, effective October 1, 1985; emergency

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DEFAULTS ON YOUNG FARMER GUARANTEE LOANS. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

"Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code. (26 U.S.C. 61)

"Liability" INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING: ACCOUNTS PAYABLE; NOTES OR OTHER INDEBTEDNESS OWED TO ANY SOURCE; TAXES; RENT; AMOUNTS OWED ON REAL ESTATE CONTRACTS OR REAL ESTATE MORTGAGES; JUDGMENTS ACCRUED; INTEREST PAYABLE; AND ANY OTHER LIABILITY. (Ill. Rev. Stat. 1991, ch. 5, par. 1202) [20 ILCS 3605/2]

"YFG loan" means an installment note for which the State of Illinois shall be liable for 85% of the total principal and interest as determined by the Authority.

"Young Farmer" means A RESIDENT OF ILLINOIS WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE, WHO IS A PRINCIPAL OPERATOR OF A FARM OR LAND, WHO DERIVES OR WILL DERIVE AT LEAST 50% OF GROSS ANNUAL INCOME FROM FARMING, WHO HAS A NET WORTH OF NOT LESS THAN \$10,000 NOR MORE THAN \$250,000, AND WHOSE DEBT TO ASSET RATIO IS NOT LESS THAN 40%. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

Eligible Farmers. To qualify for participation in the YFG, each farmer must:

- 1) BE AT LEAST EIGHTEEN (18) YEARS OF AGE AND MAINTAIN HIS PRINCIPAL RESIDENCE IN THE STATE: (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]
- 2) BE THE PRINCIPAL OPERATOR OF A FARM WHO DERIVES OR WILL DERIVE AT LEAST 50% OF ANNUAL GROSS INCOME FROM FARMING: (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]
- 3) HAVE A DEBT TO ASSET RATIO OF 40% TO 70% AFTER PURCHASE OF THE CAPITAL ITEM AND HAVE A NET WORTH OF NOT LESS THAN \$10,000 AND NOT MORE THAN \$250,000; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]
- 4) demonstrate the ability to adequately service the proposed debt. If this ability is not adequately demonstrated, he can have a guarantor sign the note with him and/or pledge additional collateral for the loan.
- 5) provide sufficient collateral to secure the YFG loan and agree to keep it adequately collateralized in the future. All real estate and depreciable property which is to be used as collateral on a YFG loan must be evaluated by a qualified

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amendment at 9 Ill. Reg. 17879, effective October 31, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 2059, effective January 10, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 4599, effective February 28, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11001, effective June 9, 1986; amended at 11 Ill. Reg. 3862, effective February 27, 1987; amended at 11 Ill. Reg. 9894, effective May 12, 1987; amended at 12 Ill. Reg. 11219, effective June 20, 1988; amended at 13 Ill. Reg. 2440, effective February 10, 1989; amended at 13 Ill. Reg. 14376, effective August 30, 1989; amended at 17 Ill. Reg. 3618, effective March 5, 1993; amended at Ill. Reg. effective

NOTE: Statutory language is denoted by capitalization.

Section 1400.146 Rules and Guidelines Applicable to the Young Farmer Guarantee Program

a) General Description of Program. The Young Farmer Guarantee Program ("YFG") is designed to enhance credit availability to younger farmers who are purchasing capital assets. Loan funds may be used for new purchases of capital assets such as land, buildings, machinery, equipment, breeding livestock, soil and water conservation projects, etc. In some cases, up to 50% of the loan proceeds may be used to refinance existing debt as needed to improve lien positions. The provisions of this Section are applicable only to the YFG.

b) Definitions Applicable to the YFG.

"Applicant" means a farmer whose application for a Young Farmer Guarantee has been submitted to the Authority by a lender.

"Asset" INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING: CASH CROPS OR FEED ON HAND; LIVESTOCK HELD FOR SALE; BREEDING STOCK; MARKETABLE BONDS AND SECURITIES; SECURITIES NOT READILY MARKETABLE; ACCOUNTS RECEIVABLE; NOTES RECEIVABLE; CASH INVESTED IN GROWING CROPS; NET CASH VALUE OF LIFE INSURANCE; MACHINERY AND EQUIPMENT; CARS AND TRUCKS; FARM AND OTHER REAL ESTATE INCLUDING LIFE ESTATES AND PERSONAL RESIDENCE; VALUE OF BENEFICIAL INTEREST IN TRUSTS; PAYMENTS OR GRANTS; AND ANY OTHER ASSETS. (Ill. Rev. Stat. 1991, ch. 5, par. 1202) [20 ILCS 3605/2]

"Debt to Asset Ratio" means TOTAL OUTSTANDING LIABILITIES, INCLUDING ANY DEBT TO BE FINANCED OR REFINANCED UNDER THIS SECTION, DIVIDED BY TOTAL OUTSTANDING ASSETS. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

"Fund" means the ILLINOIS FARMER AND AGRIBUSINESS LOAN GUARANTEE FUND, WHICH IS THE STATE'S FUND TO COVER LOSSES RESULTING FROM

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appraiser. All real estate appraisals must meet Federal regulatory requirements and meet the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. Auctioneers and machinery and equipment dealers are qualified to appraise depreciable property. The applicant is liable for all appraisal fees connected with the YFG Loan.

- 6) CERTIFY THAT ALL OF HIS DEBTS WILL BE CURRENT AT THE TIME THE YFG LOAN IS CLOSED. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

d) Limitations

- 1) YFG LOANS SHALL NOT EXCEED \$300,000 PER YOUNG FARMER. A YOUNG FARMER MAY USE THIS PROGRAM MORE THAN ONCE PROVIDED THE AGGREGATED PRINCIPAL AMOUNT OF YFG LOANS TO THAT YOUNG FARMER DOES NOT EXCEED \$300,000. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

- 2) EACH YFG LOAN SHALL BE SET UP ON A PAYMENT SCHEDULE NOT TO EXCEED 25 YEARS, BUT SHALL BE NO LONGER THAN 15 YEARS IN DURATION. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4] The payment schedule for the loan will be tailored to the applicant's collateral and cash flow. Real estate loans may be amortized up to twenty-five years with a fifteen year balloon. Loans with depreciable property as collateral will be amortized over a shorter period.

- 3) The YFG Loan can be fully or partially paid at any time while the loan is outstanding as long as the loan is held in the lender's portfolio and not sold into a secondary market. YFG Loans may not be assumed.

e) Application Procedures and Review.

- 1) LENDERS SHALL APPLY FOR THE YFG LOANS ON FORMS PROVIDED BY THE AUTHORITY. THE APPLICATION SHALL AT A MINIMUM CONTAIN THE YOUNG FARMER'S NAME, ADDRESS, PRESENT CREDIT AND FINANCIAL INFORMATION, INCLUDING CASH FLOW STATEMENTS, FINANCIAL STATEMENTS, BALANCE SHEETS, AND ANY OTHER INFORMATION PERTINENT TO THE APPLICATION, AND THE COLLATERAL TO BE USED TO SECURE THE STATE GUARANTEE. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4] Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents by the Authority.

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- 2) LENDERS SHALL CERTIFY THAT THE APPLICATION AND ANY OTHER DOCUMENTS SUBMITTED ARE TRUE AND CORRECT. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

- 3) Each applicant shall pay a \$300.00 application fee which will be submitted to the Authority at the time of the application. At the time the loan is closed, the applicant will be required to pay a closing fee of 3/4 of 1% of the YFG loan amount less the \$300 application fee. Of this 3/4 of 1% closing fee, the Authority shall receive 1/2% and the lender shall receive 1/4% to cover administrative expenses in completing the application packet and closing documents. The 3/4 of 1% closing fee may be included in the State Guarantee Loan amount. The lender shall charge no fees or points in addition to those outlined herein. THE APPLICANT SHALL BE RESPONSIBLE FOR PAYING ANY FEE OR CHARGE INVOLVED IN RECORDING MORTGAGES, RELEASES, FINANCING STATEMENTS, INSURANCE FOR SECONDARY MARKET ISSUES, AND ANY OTHER SIMILAR OR CHARGE THAT THE AUTHORITY MAY REQUIRE. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

- 4) When a State Guarantee application is submitted to the Authority, the Authority shall review the application to determine whether it is complete and whether it meets the criteria established by the Act and this Section. When the Authority has completed the review of the Guarantee application, the application shall be presented, along with a statement of recommended action, to the Board for review at its next regularly scheduled meeting. The review shall include whether the applicant and lender are in compliance with the requirements of the program. The review shall also include an evaluation of collateral, percentage of loan, debt to asset ratio, cash flow, etc.

- 5) The Board shall approve the application and provide the Guarantee, pursuant to the Act and this Section; or, deny the application and serve upon the lender and applicant a written statement of the grounds of the denial.

- 6) If the application is denied, the applicant and the lender may request reconsideration stating reasons why the Board should withdraw its denial of the application and approve the State Guarantee. The request should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the request at its next scheduled meeting, and shall either approve or deny the application. A denial of a request for reconsideration shall be final.

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Upon approval of an application and receipt of the documentation necessary to prepare loan closing documents, a YFG Loan Closing Documents package, which contains all the appropriate forms and documents to execute, shall be prepared by the Authority and sent to the lender. Upon completion of all such forms and documents by the applicant, lender and Authority and after satisfaction of all loan closing requirements, the YFG Loan guarantee will be considered in force.

1) Provision or Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any lender if, in addition to meeting the other criteria described in the Act and this Section, the lender:

1) CHARGES A FIXED OR ADJUSTABLE INTEREST RATE THAT THE AUTHORITY DETERMINES TO BE BELOW THE MARKET RATE OF INTEREST GENERALLY AVAILABLE TO THE BORROWER. IF BOTH THE LENDER AND APPLICANT AGREE, THE INTEREST RATE ON THE YFG LOAN CAN BE CONVERTED TO A FIXED INTEREST RATE AT ANY TIME DURING THE TERM OF THE LOAN; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

2) AGREES TO PAY TO THE AUTHORITY AN ANNUAL FEE EQUAL TO 25 BASIS POINTS ON THE LOAN; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

3) AGREES TO COMPLETE AND CERTIFY THAT, TO THE BEST OF THE LENDER'S KNOWLEDGE, ALL INFORMATION IS TRUE AND CORRECT ON THE APPLICATION, BALANCE SHEETS, SECURITY ANALYSIS, CASH FLOW PROJECTION AND ANY OTHER DOCUMENTS SUBMITTED; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

4) IDENTIFIES COLLATERAL ACCEPTABLE TO THE AUTHORITY IN ACCORDANCE WITH SUBSECTION (h) THAT IS AT LEAST EQUAL TO THE STATE GUARANTEE LOAN REQUEST; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

5) ASSUMES ALL RESPONSIBILITY AND COSTS FOR PURSUING LEGAL ACTION ON COLLECTING ANY LOAN THAT IS DELINQUENT OR IN DEFAULT SUBJECT to consulting the Authority; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

6) ASSUMES RESPONSIBILITY FOR AND AGREES TO ABSORB THE FIRST 15% LOSS OF THE OUTSTANDING PRINCIPAL OF THE NOTE FOR WHICH THE STATE GUARANTEE HAS BEEN APPLIED; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

7) assumes responsibility for the timely collection and disposition of collateral on a YFG loan that is in default;

provided, however, that the lender shall not collect or dispose of collateral on the YFG loan without the express written prior approval of the Authority. Approval shall be granted if the collateral is disposed of in a commercial manner, which nets an amount closely approximating the value of the collateral.

8) agrees that the Authority has final approval on the sale of all collateral for the YFG loan. After the sale of collateral, the State shall be reimbursed its 85% guaranteed portion of the principal balance at default. If funds from the sale of the collateral remain after this payment, the lender shall be reimbursed its 15% of the principal balance at default. If excess funds remain after paying the principal to the state and lender, then the state and lender shall be repaid interest on a prorated basis: 85% of such excess funds shall be allocated to the state's portion and 15% shall be allocated to the lender's portion.

9) The YFG LOAN SHALL BE REVIEWED ANNUALLY BY THE LENDER AND IFDA FOR adequacy of collateral and performance by the applicant. The applicant is required to provide the lender with a current financial statement annually. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

1) If it is determined that there is not sufficient collateral to adequately secure the YFG loan, additional collateral may be required. If the applicant is unwilling or unable to pledge additional collateral, the YFG Loan may be called due and payable.

2) If a YFG Loan is going to be called for any reason, written notice which specifies the reasons for said action must be served to all parties (IFDA, lender, and borrower) not less than ninety days prior to said action.

3) Failure of the applicant to make any payment on or before its due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest shall become due and payable immediately on the entire YFG loan. The YFG loan cannot be reinstated after the 90-day delinquency period.

h) In the event of default that is not cured within ninety days or in the event a loan is called for any reason, the Authority shall make payment of the guarantee portion of the YFG loan to the holder of the guarantee. This payment shall be equal to the sum of:

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- 1) 85% of the principal balance as of the date of default or date of call less any proceeds received from sales of collateral.
- 2) 85% of the interest balance as of the date of default or call, and
- 3) 85% of the interest accrued from the date of default or call until the date payment is made up to a maximum of 120 days.

i) THE ILLINOIS FARMER AND AGRIBUSINESS LOAN GUARANTEE FUND SHALL BE USED TO SECURE STATE GUARANTEES ON YFG LOANS ISSUED UNDER THIS SECTION. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

- 1) The Authority shall guarantee up to \$35,000,000 in loans through the YFG and SGPAL. The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be funded with \$10,000,000 to cover any losses under these programs.

- 2) The Authority shall direct payments from this fund to guarantee holder as described in subsection (h) above.

- 3) Monies returned to the State on the disposition of collateral as described in subsection (f) above shall be deposited to this fund.

(Source: Added at ____ Ill. Reg. ____, effective ____)

Section 1400.147 Rules and Guidelines Applicable to the State Guarantee Program for Restructuring Agricultural Debt

- a) General Description of Program. The State Guarantee Program ("SGP") is intended to provide farmers who are experiencing financial difficulties caused by high interest rates and low commodity prices with a debt restructuring schedule to consolidate and spread out existing debt over a longer term at a reduced interest rate so that farmers will be able to continue existing farming operations. The provisions of this Section are applicable only to the SGP, and the provisions of Sections 1400.130 and 1400.140 of this Part are inapplicable to the SGP and procedures provided for pursuant to this section.

- b) Definitions Applicable to the SGP Only.

"Applicant" means a farmer whose application for a State Guarantee has been submitted to the Authority by a lender.

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"Asset" includes, but is not limited to, the following: cash crops or feed on hand; livestock held for sale; breeding stock; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life interest in trusts; government payments or grants; and any other assets.

"Current Outstanding" means on the date of the application for any State Guarantee.

"Current Status" means the absence of any arrearages in any previously incurred debt for which a State Guarantee is sought.

"Debt to Asset Ratio" means the CURRENT OUTSTANDING LIABILITIES OF THE FARMER DIVIDED BY THE CURRENT OUTSTANDING ASSETS OF THE FARMER. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

"Farmer" means A RESIDENT OF ILLINOIS, WHO IS A PRINCIPAL OPERATOR OF A FARM OR LAND, AT LEAST 50% OF WHOSE GROSS ANNUAL INCOME IS DERIVED FROM FARMING AND WHOSE DEBT TO ASSET RATIO SHALL NOT BE LESS THAN 40%. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

"Fund" means the ILLINOIS AGRICULTURAL LOAN GUARANTEE FUND, WHICH IS THE STATE'S FUND TO COVER LOSSES RESULTING FROM DEFAULTS ON STATE GUARANTEE LOANS. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

"Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code. (26 U.S.C. 61)

"Liability" INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING: ACCOUNTS PAYABLE; NOTES OR OTHER INDEBTEDNESS OWED TO ANY SOURCE; TAXES; RENT; AMOUNTS OWED ON REAL ESTATE CONTRACTS OR REAL ESTATE MORTGAGES; JUDGMENTS ACCRUED; INTEREST PAYABLE; AND ANY OTHER LIABILITY. (Ill. Rev. Stat. 1991, ch. 5, par. 1202) [20 ILCS 3605/2]

"State Guarantee" means a note for which the State of Illinois shall be liable for 85% of the total principal and interest of the note as determined by the Authority.

- c) Eligible Farmers. To qualify for participation in the SGP, each farmer must:

- 1) maintain his principal residence in the State;

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- 2) be at least eighteen (18) years of age at the time of application;
- 3) be the principal operator of the farming business for which the funds guaranteed by the SGP are contemplated to be used;
- 4) be able to show, based upon his/her most recent Federal Income Tax Return and current data, that at least 50% of his/her annual gross income is derived from farming;
- 5) have a debt to asset ratio of not less than 40% and not greater than 65%;
- 6) provide sufficient collateral to secure the State Guarantee and agree to keep the State Guarantee adequately collateralized in the future;
- 7) certify and agree that he/she will only use the State Guarantee to consolidate and restructure existing farming debts.

d) Limitations

- 1) NO STATE GUARANTEE SHALL EXCEED \$300,000 PER FARMER OR FARMING OPERATION. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]
- 2) EACH STATE GUARANTEE SHALL BE SET UP ON A PAYMENT SCHEDULE NOT TO EXCEED 30 YEARS, BUT SHALL BE NO LONGER THAN 10 YEARS IN DURATION. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]
- 3) ONLY ONE STATE GUARANTEE SHALL BE MADE TO ANY ONE FARMER. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]
- 4) Only one State Guarantee shall be made for any one farming operation. If applicants file separate Schedule F's for their Federal Income Tax Returns, then they will be considered to operate separate farming operations.

e) Application Procedures and Review.

- 1) Lenders interested in the SGP must complete a Letter of Interest and return it to the Authority's office in Springfield, Illinois. After the Letter of Interest has been received by the Authority, the lender will be placed on the mailing list for the SGP.

2) THE LENDERS SHALL APPLY (ON FORMS APPROVED AND PROVIDED BY THE AUTHORITY) FOR STATE GUARANTEES TO THE AUTHORITY. THE APPLICATION SHALL, AT A MINIMUM, CONTAIN THE FARMER'S NAME, ADDRESS, PRESENT CREDIT AND FINANCIAL INFORMATION, INCLUDING CASH FLOW STATEMENTS, FINANCIAL STATEMENTS, BALANCE SHEETS, AND ANY OTHER INFORMATION PERTINENT TO THE STATE GUARANTEE. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

3) After approval of the application and receipt of the documentation necessary prior to closing the loan, the Authority shall send a State Guarantee Closing Documents package to the lender containing all the appropriate forms and documents to execute. Upon completion of all such forms and documents by the applicant, lender and Authority, the State Guarantee Loan will be considered closed.

4) The lender shall certify that all the information contained on the application and other submitted documents is correct, and shall be liable to the Authority for any damages suffered by any incorrect or untrue statement contained in any certified application.

5) The application period for the SGP shall commence immediately upon the determination that these Rules are properly filed with the Office of the Secretary of State, and end when the Authority has issued State Guarantees equal to \$160,000,000 or at any later time as may be set from time to time by legislative extension.

6) Following submission of the Guarantee application by the lender, the Authority shall review the application. The Authority's review shall include, but will not be limited to, whether the applicant is an eligible farmer and whether the lender has complied with the requirements of subsection (f) of this Section. The Authority will base its evaluation on collateral, percentage of loan, debt to asset ratio, cash flow, etc.

7) When a State Guarantee application is submitted to the Authority, the Executive Director shall review the application to determine whether it is complete and whether it meets the criteria established by the Act and this Part:

- A) If the Executive Director determines that the loan application is incomplete, he or she shall, within fourteen (14) days of such determination, inform the lender and the applicant of such determination, and detail the information or material that is necessary to

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complete the application. For the purposes of subsection (j) of this Section, no application shall be deemed complete until the lender or applicant has provided the additional information or material requested by the Executive Director.

- B) When the Executive Director has completed his or her review of the Guarantee application, he or she shall present the application, with a statement of recommended action to the Board at its next regularly scheduled meeting. The Executive Director will base the review on collateral, percentage of loan, debt to asset ratio, cash flow, etc.

- 8) The Board shall review each loan application presented by the Executive Director in accordance with the provision of the Act and this Part, and the Board shall:

- A) approve the application and provide the Guarantee, pursuant to the Act and this Part; or,
- B) deny the application and serve upon the lender and applicant a written statement of the grounds of the denial.

- 9) Each applicant shall pay a \$300.00 application fee which will be submitted to the lender at the time of the application. At the time the loan is made, the applicant may be required to pay a closing fee not greater than 3/4 of 1% of the State Guarantee which may be used to pay for administrative expenses incurred by the lender and the Authority. Of this 3/4 of 1% closing fee, the Authority shall receive 1/2% to cover administrative and legal expenses and the lender shall receive 1/4% to cover administrative expenses in completing the application packet and closing documents. The 3/4 of 1% closing fee may be included in the State Guarantee Loan amount. The Authority shall credit the \$300.00 application fee against the closing fee. The lender shall charge no fees or points in addition to those outlined herein. THE APPLICANT SHALL BE RESPONSIBLE FOR PAYING ANY FEES OR CHARGES INVOLVED IN RECORDING MORTGAGES, RELEASES, FINANCING STATEMENTS, INSURANCE FOR SECONDARY MARKET ISSUES AND ANY SIMILAR FEES NECESSARY FOR CLOSING AND MAINTAINING THE STATE GUARANTEE OR SELLING IT INTO THE SECONDARY MARKET. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

- 10) If the application is denied, the applicant and the lender may file a Request for Reconsideration stating reasons why the

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Board should withdraw its denial of the application and approve the State Guarantee. This Request for Reconsideration must be filed with the Authority not later than 21 days after such denial. The Request for Reconsideration should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the Request for Reconsideration at its next scheduled meeting, and shall either approve the application or deny the Request for Reconsideration. The applicant will have the opportunity to present new relevant facts on his previous denial to the Board, and if such facts will establish eligibility, the Request will be granted. A denial of a Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application shall be deemed complete for the purposes of subsection (j) of this Section.

- f) Provision or Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any lender if, in addition to meeting the other criteria described in the Act and this Part, the lender:

- 1) AGREES TO BRING THE FARMER'S DEBT TO A CURRENT STATUS AT THE TIME THE STATE GUARANTEE IS PROVIDED; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

- 2) CHARGES A FIXED OR ADJUSTABLE INTEREST RATE WHICH IS BELOW THE MARKET RATE OF INTEREST GENERALLY AVAILABLE TO THE BORROWER. The market rate of interest is that rate which would be charged by the same lender for the same project without the State Guarantee. IF BOTH THE LENDER AND THE APPLICANT AGREE, THE INTEREST RATE ON THE STATE GUARANTEE LOAN CAN BE CONVERTED TO A FIXED INTEREST RATE AT ANY TIME DURING THE TERM OF THE LOAN; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

- 3) agrees to pay to the Authority an annual fee equal to 25 basis points on the loan and any other necessary and ordinary administrative expenses in excess of the 25 basis points as determined from time to time pursuant to the Act and this Part;

- 4) AGREES TO COMPLETE AND CERTIFY THAT, TO THE BEST OF THE LENDER'S KNOWLEDGE, ALL INFORMATION IS TRUE AND CORRECT ON THE APPLICATION, BALANCE SHEETS, SECURITY ANALYSIS, CASH FLOW PROJECTION AND ANY OTHER DOCUMENTS THAT THE AUTHORITY MAY REQUEST; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

- 5) IDENTIFIES COLLATERAL ACCEPTABLE TO THE AUTHORITY IN ACCORDANCE WITH SUBSECTION (h) THAT IS AT LEAST EQUAL TO THE STATE

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BE PAID BACK TO THE FARMER. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

- 6) ASSUMES ALL RESPONSIBILITY AND COSTS FOR PURSUING LEGAL ACTION ON COLLECTING ANY LOAN THAT IS DELINQUENT OR IN DEFAULT SUBJECT TO CONSULTING THE AUTHORITY; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]
- 7) ASSUMES RESPONSIBILITY FOR AND AGREES TO ABSORB THE FIRST 15% LOSS OF THE OUTSTANDING PRINCIPAL OF THE NOTE FOR WHICH THE STATE GUARANTEE HAS BEEN APPLIED; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]
- 8) ASSUMES RESPONSIBILITY FOR PROCEEDING WITH THE COLLECTING AND DISPOSING OF COLLATERAL ON THE STATE GUARANTEE WITHIN 14 MONTHS OF THE DATE THAT THE LOAN IS DECLARED DELINQUENT; PROVIDED, HOWEVER, THAT THE LENDER SHALL NOT COLLECT OR DISPOSE OF COLLATERAL ON THE STATE GUARANTEE WITHOUT THE EXPRESS WRITTEN PRIOR APPROVAL OF THE AUTHORITY. Approval shall be granted if the collateral is disposed of in a reasonably commercial manner, based on the manner, time and place of the sale, the purchase price and the purchaser. IN THE EVENT THAT THE LENDER FAILS TO DISPOSE OF THE COLLATERAL WITHIN 14 MONTHS, THE LENDER SHALL REPAY TO THE STATE INTEREST ON THE STATE GUARANTEE AT THE SAME RATE AS THE LENDER CHARGES ON THE LOAN; PROVIDED, HOWEVER, THAT THE AUTHORITY SHALL EXTEND THE 14-MONTH PERIOD FOR A LENDER IN THE CASE OF BANKRUPTCY OR EXTENUATING CIRCUMSTANCES WHICH PREVENT THE LENDER FROM LIQUIDATING THE COLLATERAL. THE LENDER SHALL REPAY THIS INTEREST TO THE STATE UNTIL THE COLLATERAL FOR THE STATE GUARANTEE HAS BEEN LIQUIDATED AND THE STATE HAS BEEN REIMBURSED. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1] If the lender fails to repay the State the interest as outlined herein, the Authority shall turn the matter over to the Attorney General's office for appropriate legal action;

- 9) AGREES THAT THE AUTHORITY HAS FINAL APPROVAL ON THE SALE OF ALL COLLATERAL FOR THE STATE GUARANTEE. AFTER THE SALE OF COLLATERAL, THE STATE SHALL BE REIMBURSED 85% OF THE REMAINING PRINCIPAL AMOUNT OF THE STATE GUARANTEE LOAN. IF FUNDS FROM THE SALE OF COLLATERAL REMAIN AFTER THIS PAYMENT, THE LENDER SHALL BE REIMBURSED 15% OF THE REMAINING PRINCIPAL AMOUNT OF THE LOAN. IF EXCESS FUNDS REMAIN AFTER PAYING THE REMAINING PRINCIPAL TO THE STATE AND LENDER, THEN THE STATE AND LENDER SHALL BE REPAYED INTEREST ON A PRORATED BASIS; 85% OF SUCH EXCESS FUNDS SHALL BE ALLOCATED TO THE STATE'S PORTION AND 15% SHALL BE ALLOCATED TO THE LENDER'S PORTION. IF EXCESS FUNDS EXIST AFTER REPAYING BOTH THE STATE AND THE LENDER, THEY SHALL

g) Annual Review and Revocation.

- 1) The Lender and the Authority shall each, on an annual basis, review State Guarantees for any purpose including, but not limited to, present collateral value, timeliness of payments made by the farmer or any other purposes reasonably calculated to aid in determining the farmer's present and projected repayment capacity. IF THE AUTHORITY DETERMINES THAT THE EXISTING COLLATERAL IS INSUFFICIENT TO COVER THE STATE'S LIABILITY, ADDITIONAL COLLATERAL MAY BE REQUIRED. IF THE APPLICANT FAILS TO PLEDGE SUCH ADDITIONAL COLLATERAL, THE STATE GUARANTEE LOAN MAY BE CALLED ~~REVOKED~~. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]
- 2) NO STATE GUARANTEE SHALL BE CALLED ~~REVOKED~~ BY THE LENDER OR AUTHORITY DURING THE FIRST 3 YEARS OF THE DATE ON WHICH THE APPLICATION IS CLOSED FOR ANY REASON EXCEPT DEFAULTS ON PAYMENTS OR INSUFFICIENT COLLATERAL. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]
- 3) Except as otherwise provided in the Act or this Part, a State Guarantee may be called ~~revoked~~ by the lender or Authority upon a 90-day written notice to all parties specifying the reasons for such call ~~revocation~~ (e.g., submission of false documentation, changing loan documents, and change of state residency).
- 4) AFTER THE FIRST 3 YEARS OF THE SGP, THE LENDER MAY REVIEW AND WITHDRAW OR CONTINUE WITH THE SGP. IF A LENDER UNDERTAKES SUCH A REVIEW, IT MUST PROVIDE ALL PARTIES WITH WRITTEN NOTIFICATION OF ITS DECISION WHETHER TO WITHDRAW OR CONTINUE. SUCH NOTIFICATION MUST BE PROVIDED ON OR BEFORE THE DATE ON WHICH PAYMENT IS DUE. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]
- 5) The applicant must make all payments on the State Guarantee within 90 days of the stated payment date. Failure to make payments on or before their due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest shall become due and payable immediately on the entire State Guarantee Loan. The State Guarantee cannot be reinstated after the 90-day delinquency period.

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h) Valuation of Collateral. The value of collateral shall be determined by a qualified farmland appraiser. A qualified appraiser is one who is qualified by virtue of membership in the Illinois Society of Farm Managers and Appraisers, or one whose qualifications have been reviewed by the Authority. The Authority shall have final authority to determine whether the collateral is sufficient to cover the State's liability and may appoint an independent appraiser to aid in its determination on the sufficiency of the collateral. The Authority will view real estate as the primary collateral on SGP loans, with machinery and equipment and breeding livestock to be used as secondary collateral, except where no real estate is available. Collateral value may be reviewed each year by the lender or an independent appraiser appointed by the Authority. The Authority may, among other things, take a mortgage or lien on land or other assets to cover the State's liability. Collateral may be transferred only upon written approval by the Authority and the lender.

i) Fund. To implement and carry out the objectives of the SGP, the Fund has been created as a special Fund outside of the State Treasury.

1) THE AUTHORITY MAY REQUEST TRANSFER OF NOT MORE THAN \$45,000,000 TO THE FUND DURING THE SGP, TO SECURE STATE GUARANTEES ISSUED PURSUANT TO THIS SECTION. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

2) IN NO EVENT WILL THE STATE BE LIABLE FOR MORE THAN \$45,000,000 TO SECURE STATE GUARANTEES ISSUED PURSUANT TO THIS SECTION. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

3) IF A FARMER DEFAULTS ON A LOAN SECURED BY A STATE GUARANTEE, AFTER 90 DAYS OF DELINQUENCY THE LENDER SHALL REQUEST PAYMENTS ON THE LOAN TO BE MADE BY THE FUND. THE AUTHORITY SHALL DIRECT A SINGLE PAYMENT EQUAL TO 85% OF THE REMAINING PRINCIPAL PLUS INTEREST AT THE SET RATE FROM THE DATE OF DELINQUENCY UNTIL THE DATE OF PAYMENT BY THE AUTHORITY. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

4) THE FUND SHALL BE REIMBURSED FOR ANY AMOUNT PAID UNDER THIS SUBSECTION UPON LIQUIDATION OF COLLATERAL WHICH THE LENDER SHALL SEIZE AND CONVERT TO CASH IN A REASONABLY COMMERCIAL MANNER. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

j) Priority of Applications. Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents by the Authority.

k) Guarantors and Additional Collateral. An applicant for a State Guarantee Loan may have a guarantor co-sign the note and/or pledge additional collateral for the State Guarantee Loan if the lender and Authority determine that the applicant alone cannot provide sufficient collateral for the State Guarantee.

1) The State Guarantee. In the event of default, the Authority shall make payment on the State Guarantee of 85% of the outstanding principal and interest owed on the State Guarantee Loan to the holder of the State Guarantee. The payment shall be made by the Authority to the holder of the State Guarantee within 30 days after an appropriate request by a lender certifying that the 90-day delinquency period has elapsed. The payment shall include 85% of past due interest and 85% of the remaining principal.

m) Prepayment of Loans. Each loan shall be paid on an annual basis with one payment due each year on the date on which the loan was closed for a period of ten years or until the loan is repaid, whichever occurs first. The State Guarantee Loan may be prepaid in full or in part at any time the loan is outstanding without penalty.

n) Assumption of Loans. No State Guarantee Loan may be assumed by any entity unless specifically authorized by the Authority. Such authorization will be granted only in extraordinary cases (e.g., death or serious illness of the applicant with assumption by an immediate family member).

o) Total Obligations Through the SGP. The Authority shall have outstanding guarantees in an aggregate principal amount ~~guarantee~~ up to \$160,000,000 ~~in loans~~ through the SGP. The Illinois Agriculture Loan Guarantee Fund shall be funded with \$45,000,000 to cover any losses.

(Source: Amended at ____ Ill. Reg. _____, effective ____)

Section 1400.149 Rules and Guidelines Applicable to the State Guarantee Program for Agri-Industries

a) General Description of Program. The State Guarantee Program for Agri-Industries (SGPAI) was created to encourage diversification and vertical integration of Illinois agriculture. It is designed to assist the farmer/agribusiness by spreading out his debt over a longer term at a reduced interest rate. The provisions of this Section are applicable only to the SGPAI, and the provisions of Sections 1400.130, 1400.140, 1400.145, 1400.147 and 1400.148 are inapplicable to the SGPAI and procedures provided for pursuant to this Section.

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b) Definitions Applicable to the SGPAI Only.

"AGRIBUSINESS" MEANS ANY SOLE PROPRIETORSHIP, LIMITED PARTNERSHIP, CO-PARTNERSHIP, JOINT VENTURE, CORPORATION OR COOPERATIVE WHICH OPERATES OR WILL OPERATE A FACILITY LOCATED WITHIN THE STATE OF ILLINOIS THAT IS RELATED TO THE PROCESSING OF AGRICULTURAL COMMODITIES (INCLUDING, WITHOUT LIMITATION, THE PRODUCTS OF AQUACULTURE, HYDROPONICS AND SILVICULTURE) OR THE MANUFACTURING, PRODUCTION OR CONSTRUCTION OF AGRICULTURAL BUILDINGS, STRUCTURES, EQUIPMENT, IMPLEMENTS, AND SUPPLIES, OR ANY OTHER FACILITIES OR PROCESSES USED IN AGRICULTURAL PRODUCTION. (Ill. Rev. Stat. 1991, ch. 5, par. 1202) [20 ILCS 3605/2]

"Applicant" means a farmer/agribusiness whose application for a State Guarantee has been submitted to the Authority by a lender.

"FARMER" MEANS A RESIDENT OF ILLINOIS WHO IS A PRINCIPAL OPERATOR OF A FARM OR LAND, AT LEAST 50% OF WHOSE ANNUAL GROSS INCOME IS DERIVED FROM FARMING, WHOSE ANNUAL TOTAL SALES OF AGRICULTURAL PRODUCTS, COMMODITIES OR LIVESTOCK EXCEEDS \$20,000 AND WHOSE NET WORTH DOES NOT EXCEED \$500,000. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

"Fund" means the Illinois Farmer and Agribusiness Loan Guarantee Fund, which is the State's fund to cover losses resulting from defaults on SGPAI loans.

"Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code (26 U.S.C. 61).

"State Guarantee" means a note for which the State of Illinois shall be liable for 85% of the total principal and interest of the note as described by the Authority.

c) Applicant Eligibility Requirements

1) Farmer. To qualify for participation each farmer must:

- A) MAINTAIN HIS PRINCIPAL RESIDENCE IN THE STATE;
- B) be at least eighteen (18) years of age at the time of application;
- C) BE THE PRINCIPAL OPERATOR OF THE FARMING BUSINESS FOR WHICH THE FUNDS GUARANTEED BY THE STATE GUARANTEE ARE TO BE USED; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

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D) BE ABLE TO SHOW, BASED UPON HIS/HER MOST RECENT FEDERAL INCOME TAX RETURN AND/OR CURRENT DATA, A GROSS FARM INCOME OF \$20,000 OR MORE; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

E) BE ABLE TO SHOW, BASED UPON HIS/HER MOST RECENT FEDERAL INCOME TAX RETURN AND/OR CURRENT DATA, THAT AT LEAST 50% OF HIS/HER ANNUAL GROSS INCOME IS DERIVED FROM FARMING; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

F) BE ABLE TO SHOW THAT HE/SHE HAS A NET WORTH OF \$500,000 OR LESS. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

2) Agribusiness. To qualify for participation each agribusiness must:

A) be located in Illinois;

B) use agricultural products which are now grown or raised in Illinois, or which will be grown or raised in Illinois.

3) Joint Requirements. To qualify for participation each applicant must:

A) PROMOTE DIVERSIFICATION OF THE FARM ECONOMY OF THIS STATE THROUGH THE GROWTH AND DEVELOPMENT OF NEW CROPS OR LIVESTOCK NOT CUSTOMARILY GROWN OR PRODUCED IN THIS STATE OR WHICH EMPHASIZE A VERTICAL INTEGRATION OF GRAIN OR LIVESTOCK PRODUCED OR RAISED IN THIS STATE INTO A FINISHED PRODUCT FOR CONSUMPTION OR USE. "NEW CROPS OR LIVESTOCK NOT CUSTOMARILY GROWN OR PRODUCED IN THIS STATE" SHALL NOT INCLUDE CORN, SOYBEANS, WHEAT, SWINE OR BEEF OR DAIRY CATTLE. "VERTICAL INTEGRATION OF GRAIN OR LIVESTOCK PRODUCED OR RAISED IN THIS STATE" SHALL INCLUDE ANY NEW OR EXISTING GRAIN OR LIVESTOCK GROWN OR PRODUCED IN THIS STATE; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

B) provide sufficient collateral to secure the entire loan at the time of application and agree to keep the loan collateralized in the future;

C) agree to make all payments on the State Guarantee within 90 days of the stated payment date. If any payment is not made within said 90 day period, then the total

ILLINOIS FARM DEVELOPMENT AUTHORITY

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outstanding principal and interest on the entire State Guarantee loan are due and payable immediately. The State Guarantee loan cannot be reinstated after the 90 day delinquency period.

d) Limitations

1) THE TERM OF THE SGPAI LOAN SHALL NOT EXCEED 15 YEARS. THE MAXIMUM LOAN SHALL BE \$300,000 PER FARMER AND SHALL BE DETERMINED ON A CASE BY CASE BASIS FOR AN AGRIBUSINESS, BASED ON ITS DEBT SERVICING ABILITY. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

2) THE SGPAI LOAN SHALL BE SUBJECT TO AN ANNUAL REVIEW AND RENEWAL BY THE LENDER AND THE AUTHORITY. ONLY ONE STATE GUARANTEE SHALL BE MADE TO ANY ONE FARMER, FARMING OPERATION OR AGRIBUSINESS, EXCEPT THAT ADDITIONAL STATE GUARANTEES MAY BE MADE FOR PURPOSES OF EXPANSION OF PROJECTS FINANCED BY A PREVIOUSLY ISSUED STATE GUARANTEE. Eligibility for additional guarantees will be determined in accordance with Section 1400.149. If applicants file separate schedule F's, then they will be considered to operate separate farming operations. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

e) Application Procedures and Review.

1) Lenders interested in the SGPAI must complete a Letter of Interest and return it to the Authority's office in Springfield, Illinois. After the Letter of Interest has been received by the Authority, the lender will be placed on the mailing list for the State Guarantee Program. If the lender has already signed a letter for the State Guarantee Program for Restructuring Agricultural Debt, a new Letter of Interest is not required.

2) THE LENDERS SHALL APPLY ON FORMS PROVIDED BY THE AUTHORITY FOR STATE GUARANTEES. THE APPLICATION SHALL AT A MINIMUM CONTAIN THE FARMER'S OR AGRIBUSINESS' NAME, ADDRESS, PRESENT CREDIT AND FINANCIAL INFORMATION, INCLUDING CASH FLOW STATEMENTS, FINANCIAL STATEMENTS, BALANCE SHEETS AND ANY OTHER INFORMATION PERTINENT TO THE APPLICATION AND THE COLLATERAL TO BE USED TO SECURE THE STATE GUARANTEE, such as feasibility studies, purchase contracts or sales contracts. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

3) After approval of the application and receipt of the documentation necessary prior to closing the loan, the Authority shall send a State Guarantee Closing Documents

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package to the lender containing all the appropriate forms and documents to execute; upon completion of all such forms and documents by the applicant, lender and Authority, the State Guarantee loan will be considered closed.

4) The lender shall certify that all information contained on the application, balance sheets, security analyses, cash flow projections and feasibility studies is correct, and shall be liable to the Authority for any damages suffered by an incorrect or untrue statement contained in any certified application.

5) The application period for the SGPAI shall commence immediately upon the determination that these Rules are properly filed with the Office of the Secretary of State and end when the Authority has issued State Guarantees equal to \$35,000,000 or at any later time as may be set from time to time by legislative extension.

6) Following the submission of the Guarantee application by the lender, the Authority shall review the application. The Authority's review will include whether the applicant is an eligible farmer or agribusiness and whether the lender has complied with the requirements of subsection (f) of this Section. The Authority's review will also include evaluation of such factors as collateral, percentage of loan, debt to asset ratio, cash flow, and other information submitted by the applicant.

7) When a State Guarantee application is submitted to the Authority, the Executive Director shall review the application to determine whether it is complete pursuant to subsection (e)(2) above, and whether it meets the criteria established by the Act and this Part:

A) If the Executive Director determines that the loan application is incomplete, he/she shall within fourteen (14) days of such determination inform the lender and the applicant of such determination and detail the information or material that is necessary to complete the application. For the purpose of subsection (j) of this Section, no application shall be deemed complete until the lender or applicants have provided the additional information or material requested by the Executive Director.

B) When the Executive Director has completed his/her review of the Guarantee application, he/she shall present the

ILLINOIS FARM DEVELOPMENT AUTHORITY

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be based on the criteria established in subsection (e)(6) above. Based on the review, the Board shall approve or deny the Request for Reconsideration. A denial of a Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application that is the subject of the Request shall be deemed complete for the purposes of the subsection (j) of this Section.

f) Provision or Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any lender if, in addition to meeting the other criteria described in the Act and this Section, the lender:

1) CHARGES A FIXED OR ADJUSTABLE INTEREST RATE WHICH IS BELOW THE MARKET RATE OF INTEREST GENERALLY AVAILABLE TO THE BORROWER. The market rate of interest is that rate which would be charged by the same lender for the same project without the State Guarantee. IF BOTH THE LENDER AND THE BORROWER AGREE, THE INTEREST RATE ON THE STATE GUARANTEE LOAN CAN BE CONVERTED TO A FIXED RATE AT ANY TIME DURING THE TERM OF THE LOAN; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

2) AGREES TO PAY THE AUTHORITY AN ANNUAL FEE EQUAL TO 25 BASIS POINTS ON THE LOAN AND ANY OTHER NECESSARY EXPENSES FOR MAINTAINING THE STATE GUARANTEE; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

3) agrees to complete and certify that, to the best of his knowledge, all information is true and correct on the application, cash flow statements, financial statements, balance sheets and any other information pertinent to the application;

4) identifies collateral acceptable to the Authority in accordance with subsection (h) of this Section that is at least equal to the State Guarantee loan request;

5) ASSUMES ALL RESPONSIBILITY AND COSTS FOR PURSUING LEGAL ACTION ON COLLECTING ANY LOAN THAT IS DELINQUENT OR IN DEFAULT SUBJECT TO CONSULTING WITH THE AUTHORITY; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

6) ASSUMES RESPONSIBILITY FOR AND AGREES TO ABSORB THE FIRST 15% LOSS OF THE OUTSTANDING PRINCIPAL OF THE NOTE FOR WHICH THE STATE GUARANTEE HAS BEEN APPLIED; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

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application with a statement of recommended action to the Board at its next regularly scheduled meeting. The Executive Director will base the review on such factors as collateral, percentage of loan, debt to asset ratio, cash flow and other information submitted by the applicant.

8) The Board shall review each loan application presented by the Executive Director using the criteria in subsection(e)(6) above, and the Board shall;

A) approve the application and provide the Guarantee pursuant to the Act and this Part, or

8) deny the application and serve upon the lender and applicant a written statement of the grounds of the denial.

9) Each applicant shall pay a \$400.00 application fee which will be submitted to the lender at the time of the application. Of this \$400.00 application fee, the Authority shall be paid \$300.00 at the time the State Guarantee loan application is filed. The lender shall receive the remaining \$100.00 for administrative expenses. At the time the loan is made, the applicant may be required to pay a closing fee not greater than 3/4 of 1% of the State Guarantee loan amount. Of this 3/4 of 1% closing fee, the Authority shall receive 1/2% to cover administrative and legal expenses and the lender shall receive 1/4% to cover administrative expenses incurred in completing the application packet and closing documents. The 3/4 of 1% closing fee may be included in the State Guarantee loan amount. The Authority shall credit the \$400.00 application fee against the closing fee. The lender shall charge no fees or points in addition to those outlined herein. The applicant shall be responsible for paying any fees or charges involved in recording mortgages, releases and financing statements, insurance for secondary market issues and any similar fees necessary for closing and maintaining the State Guarantee or selling it into the secondary market.

10) If the application is denied, the applicant and the lender may file a Request for Reconsideration stating reasons why the Board should withdraw its denial of the application. This Request for Reconsideration must be filed with the Authority not later than twenty-one (21) days after denial and should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the Request at its next scheduled meeting. The review will

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7) ASSUMES RESPONSIBILITY FOR PROCEEDING WITH THE COLLECTING AND DISPOSING OF COLLATERAL ON THE STATE GUARANTEE WITHIN 14 MONTHS OF THE DATE THAT THE LOAN IS DECLARED DELINQUENT; PROVIDED, HOWEVER, THAT THE LENDER SHALL NOT COLLECT OR DISPOSE OF COLLATERAL ON THE STATE GUARANTEE WITHOUT THE EXPRESS WRITTEN PRIOR APPROVAL OF THE AUTHORITY. APPROVAL WILL BE GRANTED IF THE COLLATERAL IS DISPOSED OF IN A REASONABLY COMMERCIAL MANNER BASED ON THE MANNER, TIME AND PLACE OF THE SALE, THE PURCHASE PRICE AND THE PURCHASER. IN THE EVENT THAT THE LENDER FAILS TO DISPOSE OF THE COLLATERAL WITHIN 14 MONTHS, THE LENDER SHALL REPAY TO THE STATE INTEREST ON THE STATE GUARANTEE AT THE SAME RATE AS THE LENDER CHARGES ON THE LOAN; PROVIDED, HOWEVER, THAT THE AUTHORITY SHALL EXTEND THE 14 MONTH PERIOD FOR A LENDER IN THE CASE OF BANKRUPTCY OR EXTENUATING CIRCUMSTANCES WHICH PREVENT THE LENDER FROM LIQUIDATING THE COLLATERAL. THE LENDER SHALL REPAY THIS INTEREST TO THE STATE UNTIL THE COLLATERAL FOR THE STATE GUARANTEE HAS BEEN LIQUIDATED AND THE STATE HAS BEEN REIMBURSED. If the lender fails to repay the State the interest as outlined herein, the Authority shall turn the matter over to the Attorney General's office for appropriate legal action; (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

8) agrees that after the sale of collateral, the State shall be reimbursed 85% of the remaining principal amount of the State Guarantee loan. If funds from the sale of the collateral remain after this payment, the lender shall be reimbursed 15% of the remaining principal amount of the loan. If excess funds remain after paying the remaining principal to the State and lender, then the State and lender shall be repaid interest on a pro-rated basis; 85% of such excess funds shall be allocated to the State's portion and 15% to the lender's portion. If excess funds exist after repaying both the State and the lender, these funds shall be paid to the borrower.

(f) Review and Revocation.

1) The SGPAI loan shall be reviewed annually by the Lender and the Authority for review of collateral value and performance by the borrower. If the Authority determines that the existing collateral is insufficient to cover the State's liability, additional collateral will be requested. If the borrower fails to pledge such additional collateral, the State Guarantee may be revoked. The determination of whether to revoke the State Guarantee will be based on the borrower's ability to service the debt. If the Authority calls the State Guarantee, the holder of the Guarantee will be paid 85% of the outstanding

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principal and interest balance and the borrower will be liable to reimburse the State.

2) A State Guarantee may be revoked by the lender or the Authority upon a 90-day written notice to all parties specifying the reasons for such revocation (e.g., submission of false documents, changing loan documents or change of State residency).

3) IF AN INTEREST RATE IS VARIABLE, A LENDER MAY NOT WITHDRAW FROM A SGPAI LOAN FOR ANY REASON EXCEPT FOR LACK OF PERFORMANCE ON THE BORROWER'S PART, OR INSUFFICIENT COLLATERAL, OR MATURITY. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

4) AFTER THE FIRST FIVE YEARS OF THE SGP, A LENDER WHOSE LOAN CONTRACT PROVIDES FOR AN INTEREST RATE THAT SHALL NOT VARY MAY REVIEW THE SGP LOAN AND DETERMINE TO WITHDRAW OR CONTINUE. IF A LENDER UNDERTAKES SUCH A REVIEW, IT MUST PROVIDE WRITTEN NOTIFICATION OF ITS DECISION WHETHER TO WITHDRAW OR CONTINUE. SUCH NOTIFICATION MUST BE PROVIDED ON OR BEFORE THE DATE ON WHICH PAYMENT IS DUE. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

5) The applicant must make all payments within 90 days of the stated payment date. Failure to make any payments on or before its due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest balances on the SGPAI loan shall become due and payable. The State Guarantee cannot be reinstated after the 90-day delinquency period.

h) Valuation of Collateral. The value of collateral shall be determined by a qualified appraiser. A qualified appraiser is one who is qualified by virtue of membership in the Illinois Society of Farm Managers and Appraisers or one whose qualifications have been reviewed by the Authority. The Authority will consider an appraiser qualified who has at least three years experience appraising farmland. The Authority shall have final authority to determine whether the collateral is sufficient to cover the State Guarantee loan and may appoint an independent appraiser to aid in its determination. The Authority will view real estate as the primary collateral on SGPAI loans. Machinery and equipment and breeding livestock will be used only as secondary collateral except where no real estate is available. Collateral value may be reviewed each year by the lender or an independent appraiser appointed by the Authority. The applicant shall be liable to pay for all appraisal fees which are incurred when the value of the collateral is established.

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i) FUND. TO IMPLEMENT AND CARRY OUT THE OBJECTIVES OF THE SGPAI, THE FUND HAS BEEN CREATED AS A SPECIAL FUND OUTSIDE OF THE STATE'S TREASURY.

1) THE AUTHORITY MAY REQUEST TRANSFER OF NO MORE THAN \$10,000,000 TO THE FUND DURING THE SGPAI AND YOUNG FARMER GUARANTEE. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

2) IN NO EVENT WILL THE STATE BE LIABLE FOR MORE THAN \$10,000,000 TO SECURE STATE GUARANTEES ISSUED PURSUANT TO THIS SECTION AND YOUNG FARMER GUARANTEES ISSUED PURSUANT TO SECTION 1400.146. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

3) IF A BORROWER DEFAULTS ON A LOAN SECURED BY A STATE GUARANTEE, THE LENDER SHALL AFTER 90 DAYS REQUEST THAT PAYMENT ON THE LOAN BE MADE BY THE FUND. THE AUTHORITY SHALL DIRECT A SINGLE PAYMENT EQUAL TO 85% OF THE OUTSTANDING PRINCIPAL PLUS INTEREST ACCRUED SINCE THE DATE PAYMENT WAS DUE. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

4) UPON LIQUIDATION OF COLLATERAL, THE FUND SHALL BE REIMBURSED FOR ANY AMOUNT PAID UNDER THIS SUBSECTION. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.2) [20 ILCS 3605/12.2]

j) Priority of Applications. Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents.

k) Guarantors and Additional Collateral. An applicant for a State Guarantee loan may have a guarantor co-sign the note and/or pledge additional collateral for the State Guarantee loan if the lender and the Authority determine that the applicant alone cannot provide sufficient collateral.

l) The State Guarantee. In the event of default, the Authority shall make payment on the State Guarantee of 85% of the outstanding principal and interest owed on the State Guarantee to the holder of the State Guarantee within 30 days of receiving an appropriate request from the lender certifying that the 90-day delinquency period has elapsed.

m) Prepayment of Loan. The frequency of payments due on a SGPAI loan shall be determined on a case by case basis. Payment schedules will be tailored to match the operation's income. The loan may be prepaid in full or in part without penalty at any time during the term of the loan.

n) Assumption of Loans. State Guarantee loans may not be assumed except with the approval of the Authority Board of Directors. Approval will be granted only in unusual circumstances such as death of the borrower with assumption by a family member.

o) Total Obligations Through the SGPAI. The Authority shall guarantee up to \$35,000,000 in loans through the SGPAI. The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be funded with \$10,000,000 to cover any losses.

(Source: Amended at Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULE

1) Heading of the Part: Corrective Orders

2) Code Citation: 50 Ill. Adm. Code 1250

3) Section Numbers: Proposed Action:

1250.10	New Section
1250.20	New Section
1250.30	New Section
1250.40	New Section

4) Statutory Authority: Implementing Section 186.1 and 186.2 of the Illinois Insurance Code (215 ILCS 5/186.1 and 5/186.2) and authorized by Section 401 of the Illinois Insurance Code (215 ILCS 5/401).

5) A Complete Description of the Subjects and Issues Involved:
The Department is promulgating this rule to set forth criteria the Director will use to identify insurers in such operational or financial condition which would be hazardous to insure Illinois residents.

6) Will this proposed rule replace emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULE

Tim Cena
Department of Insurance
SOIC 15-100
100 West Randolph
Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rule will not affect small businesses.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULES

the Department of Insurance to determine an insurer's financial condition;

- c) whether the value, liquidity, and diversity of the insurer's asset portfolio when viewed in light of current economic conditions assures the company's ability to meet its outstanding obligations as they mature;
- d) whether the insurer's reinsurance program provides adequate protection for the company's remaining surplus after taking into account the insurer's cash flow and the classes of business written;
- e) the financial condition of any assuming reinsurer and its ability to meet its obligations to the insurer;
- f) whether the insurer's operating loss in the last twelve month period or any shorter period of time, including but not limited to net capital gain or loss, change in non-admitted assets, and cash dividends paid to shareholders, is greater than 50% of the insurer's surplus as regards policyholders in excess of the minimum required;

- g) whether any affiliate, subsidiary or parent of the insurer is insolvent, threatened with insolvency, or delinquent in the payment of its obligations;
- h) whether contingent liabilities, pledges or guaranties of the insurer, either individually or collectively, involve an amount that will affect the solvency of the insurer;
- i) whether any "controlling person" or other affiliate of the insurer, each as defined in Article VIII of the Illinois Insurance Code, is delinquent in the transmitting or payment of net premiums or any other payables to such insurer;
- j) the age and collectibility of its receivables;
- k) whether the management of an insurer, including officers, directors, or any other person who directly or indirectly controls the operation of such insurer, fails to possess and demonstrate the competence,

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TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER q: CORRECTIVE ORDERS

PART 1250
CORRECTIVE ORDERS

Section
1250.10
1250.20
1250.30
1250.40

Purpose
Criteria
Director's Authority
Judicial Review

AUTHORITY: Implementing Section 186.1 and 186.2 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 798.1 and 798.2) [215 ILCS 5/186.1 and 5/186.2] and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013) [215 ILCS 5/401].

SOURCE: Adopted at 17 Ill. Reg. _____, effective _____.

Section 1250.10 Purpose

The purpose of this part is to set forth the criteria which the Director shall use for identifying insurers in such operational or financial condition that their further transaction of insurance business would be hazardous to their policyholders, certificateholders, creditors or to the public.

Section 1250.20 Criteria

To determine whether the continued operation of any insurer transacting insurance business in this state might be deemed to be hazardous to the policyholders, certificateholders, creditors or to the public, the Director may consider:

- a) adverse findings reported in financial and market conduct examination reports;
- b) the National Association of Insurance Commissioners Insurance Regulatory Information System and its related reports, the ratios of commission expense, general insurance expense, policy benefits and/or losses incurred to written premium or any other ratios used by

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

fitness and reputation to serve the insurer in such position;

- l) whether management of an insurer has failed to respond to inquiries from the Department of Insurance concerning the condition of the insurer or has furnished false and misleading information concerning an inquiry;
- m) whether management of an insurer either has filed in any state false or misleading sworn financial statement, has released a false or misleading financial statement to lending institutions or to the general public or, in the books of the insurer, has made a false or misleading entry, or omitted an entry of material amount;
- n) whether the insurer's premium volume has increased to the extent that it lacks financial and administrative capacity to meet its contractual or statutory obligations;
- o) whether the company has experienced cash flow and/or liquidity problems;
- p) the adequacy of the insurer's surplus as regard policyholders relative to its outstanding liabilities and its financial needs;
- q) any other relevant factors.

Section 1250.30 Director's Authority

- a) For purposes of making a determination of an insurer's financial condition under this Part, the Director may:
 - 1) Disregard any credit or amount receivable resulting from transactions with a reinsurer which is insolvent, impaired or otherwise subject to a delinquency proceeding or which is a slow payor based on Schedule F or S of the Annual Financial Statements filed with the Department of Insurance by all Illinois licensed companies having receivables due from that reinsurer;
 - 2) Make adjustments to asset values attributable to

DEPARTMENT OF INSURANCE

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investments in or transactions with parents, subsidiaries, or affiliates;

- 3) Refuse to recognize the stated value of accounts receivable if the ability to collect the receivables is speculative in view of the age of the account or the financial condition of the debtor;
 - 4) Increase the insurer's liabilities to cover any contingent liability, pledge, or guarantee not otherwise included;
 - 5) Increase the company's reserves for losses, loss adjustment expenses, or unearned premium or any other liability to reflect adjustments recommended by the Department's financial examiners or actuaries or by the person preparing the statement or actuarial opinion as required by Section 136 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 748) [215 ILCS 5/136] and the NAIC Annual Statement Instructions for Property and Casualty Insurers;
 - 6) Make any other appropriate adjustment to the company's assets and liabilities necessary to reflect the insurer's financial condition.
- b) If the Director determines that the continued operation of the insurer licensed to transact business in this State may be hazardous to its policyholders, certificateholders, creditors or to the public, the Director may issue an order requiring the insurer to:
- 1) reduce, by reinsurance, the total amount of its present and/or potential liability for policy benefits and loss claims;
 - 2) reduce, suspend or limit the volume of direct and/or assumed business being accepted or renewed;
 - 3) reduce general insurance and commission expenses by specified methods;
 - 4) increase its capital and surplus;
 - 5) suspend or limit the declaration and payment of

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NOTICE OF PROPOSED RULES

Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 3-101) [735 ILCS 3/101].

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DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULES

dividends to its stockholders or to its policyholders;

- 6) file a written report indicating the market value of its assets;
 - 7) limit or withdraw from certain investments or discontinue certain investment practices to the extent the Director deems necessary;
 - 8) document the adequacy of premium rates in relation to the risks insured;
 - 9) file monthly financial reports;
 - 10) suspend or limit the repurchases of any of its own outstanding shares (i.e., treasury shares);
 - 11) seek prior approval of the Director before entering into any affiliated transactions;
 - 12) provide statement of actuarial opinion prepared by an independent actuary other than that person having prepared the opinion filed by the company in conjunction with its most recent annual financial statements;
 - 13) disapprove the payment of any ordinary dividend or other distribution to shareholders;
 - 14) take any other action which the Director deems to be remedial.
- c) Any insurer subject to an order under subsection (b) above may file a written request for an administrative hearing. The administrative hearing shall be conducted pursuant to the requirements of Section 186.1 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 798.1(5)(a) and (6)) [215 ILCS 5/186.1(5)(a) and (6)].

Section 1250.40 Judicial Review

Any order or decision of the Director shall be subject to review in accordance with Section 3-101 of the Code of Civil

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Internal Security Standard and Fidelity Bonds

2) Code Citation: 50 Ill. Adm. Code 904

3) Section Numbers: Proposed Action:

904.20

Amended

4) Statutory Authority: Implementing and authorized by Section 401 of the Illinois Insurance Code (215 ILCS 5/401).

5) A Complete Description of the Subjects and Issues Involved:
Pursuant to Section 124.1 of the Illinois Insurance Code (215 ILCS 5/124.1), this amendment will make the sale of securities subject to authorization or ratification by the Board of Directors or a committee thereof.

6) Will this proposed rule replace emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Denise Fuchs, Paralegal Assistant
Department of Insurance
320 West Washington
Springfield, Illinois 62767

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NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis: The Department has determined that this amendment will not affect small businesses.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

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TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 904

INTERNAL SECURITY STANDARD AND FIDELITY BONDS

Section

- 904.5 Authority and Purpose
- 904.10 Registration of Securities
- 904.20 Custody, Care and Disposition of Securities
- 904.30 Signature of Checks - Facsimile Signatures
- 904.40 Bank Balance Verification
- 904.50 Bond Requirements

AUTHORITY: Implementing and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013) [215 ILCS 5/401].

SOURCE: Filed October 15, 1971; amended at 2 Ill. Reg. 29, p. 161, effective July 17, 1978; codified at 6 Ill. Reg. 12461; amended at 16 Ill. Reg. 12561, effective July 27, 1992; amended at 17 Ill. Reg. _____, effective _____.

Section 904.20 Custody, Care and Disposition of Securities

- a) Transfer, sale, assignment or disposition of any security belonging to any such company, other than upon the surrender thereof for payment at maturity or under an option of the maker thereof to repay the same shall first have been authorized or ratified by the Board of Directors, or by a committee thereof charged with the duty of supervising investments and loans.
- b) Any instrument for the assignment, sale, transfer or disposition of any such securities and all checks or other orders for disbursement of funds of the company in connection with the purchase of any such securities, shall require the signature of at least two officers or employees who shall have been so authorized by the Board of Directors, or by a committee thereof charged with the duty of supervising investments and loans.
- c) Access to any and all vaults or other repositories on the premises of any company containing securities of the company and access to any safe deposit boxes containing such securities shall be limited to officers

and employees designated by the Board of Directors and such designation shall require that at least two of the persons so designated shall be present at the time of entry and during the access to such vault, repository or safe deposit box.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED REPEALER

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 340
STANDARDS FOR PROTECTION AGAINST RADIATION

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12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
- B) Types of small businesses affected: The Department believes that these amendments impose no direct impact on any small businesses that are licensed by the Department.
- C) Reporting, bookkeeping or other procedures required for compliance: This repealer will rescind reporting requirements currently codified at 32 Ill. Adm. Code 340. Reporting requirements contained in proposed new Part 340 are considered in conjunction with that rulemaking.
- D) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

The full text of the Proposed Repealer begins on the next page:

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SUBPART D: RECORDS, MONITORING AND DISPOSAL

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- APPENDIX A Concentrations in Air and Water Above Natural Background
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 APPENDIX C Decontamination Guides
 ILLUSTRATION A Radiation Symbol

AUTHORITY: Implementing and authorized by Section 16 of the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111½, par. 210-16).

SOURCE: Filed April 24, 1970 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 16027; Recodified at 10 Ill. Reg. 11273; amended at 10 Ill. Reg. 17538, effective September 25, 1986; amended at 16 Ill. Reg. 11538, effective July 7, 1992; repealed at ___ Ill. Reg. ___, effective _____.

SUBPART A: GENERAL

Section 340.1000 Purpose and Scope

- a) This Part establishes standards for protection against radiation hazards. Except as otherwise specifically provided, this Part applies to all licensees and registrants. It is the purpose of the regulations in this Part to control the possession, use, and transfer of sources of radiation by any licensee or registrant in such a manner that the total dose to an individual does not exceed the standards of radiation protection prescribed in this Part. Nothing in this Part shall be interpreted as limiting the intentional exposure of patients to radiation for the purpose of medical diagnosis or therapy.

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- b) In addition to complying with the requirements set forth in this Part, every reasonable effort should be made to maintain radiation exposures, and releases of radioactive materials in effluents to unrestricted areas, as low as is reasonably achievable. The term "as low as is reasonably achievable" means as low as is reasonably achievable taking into account the state of technology, and the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to the utilization of ionizing radiation in the public interest.

Section 340.1010 Radiation Dose Standards for Individuals in Restricted Areas*

- a) In accordance with the provisions of Section 340.1020(a), and except as provided in Section 340.1010(b), no licensee or registrant shall possess, use, receive, or transfer sources of radiation in such a manner as to cause any individual in a restricted area to receive in any period of 1 calendar quarter from all sources of radiation a total occupational dose in excess of the standards specified as follows:

	Rems (Sv) per Calendar Quarter
Whole body; head and trunk; active blood-forming organs; lens of eyes; or gonads	1 1/4 (12.5 mSv)
Hands and forearms; feet and ankles	18 3/4 (187.5 mSv)
Skin of whole body	7 1/2 (75 mSv)

- b) A licensee or registrant may permit an individual in a restricted area to receive a total occupational dose to the whole body greater than that permitted under Section 340.1010(a), provided:
- during any calendar quarter, the total occupational dose to the whole body shall not exceed 3 rem (30 mSv);
 - the dose to the whole body, when added to the accumulated occupational dose to the whole body, shall not exceed 5(N-18) rem (50(N-18) mSv) where "N" equals the individual's age in years at his last birthday; and

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- 3) the licensee or registrant has determined the individual's accumulated occupational dose to the whole body on Department of Nuclear Safety (Department) Form KLA.002, or on a clear and legible record containing all the information required in that form and has otherwise complied with the requirements of Section 340.1020. As used in Section 340.1010(b), "dose to the whole body" shall be deemed to include any dose to the whole body, gonads, active blood-forming organs, head and trunk, or lens of eye.

*AGENCY NOTE: For determining the doses specified in Section 340.1010, a dose from X or gamma rays up to 10 Mev may be assumed to be equivalent to the exposure measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of the highest dose rate.

Section 340.1020 Determination of Accumulated Dose

a)

- 1) Each licensee or registrant shall require any individual, prior to first entry of the individual into the licensee's or registrant's restricted area during each employment or work assignment under such circumstances that the individual will receive or is likely to receive in any period of 1 calendar quarter an occupational dose in excess of 25 percent of the applicable standards specified in Sections 340.1010(a) and 340.1040(a), to disclose in a written, signed statement, either:

- A) that the individual had no prior occupational dose during the current calendar quarter, or
- B) the nature and amount of any occupational dose which the individual may have received during the specifically identified current calendar quarter, from sources of radiation possessed or controlled by other persons.

- 2) Each licensee or registrant shall maintain records of such statements until the Department authorizes disposition. Such disposition of records will be authorized by the Department only if the licensee or registrant establishes to the satisfaction of the Department that the records do not contain accurate information concerning occupational dose or

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the records are no longer required to establish compliance with this section.

- b) Before permitting, pursuant to Section 340.1010(b), any individual in a restricted area to receive an occupational radiation dose in excess of the standards specified in Section 340.1010(a), each licensee or registrant shall:

- 1) obtain a certificate on Department Form KLA.002 or on a clear and legible record containing all the information required in that form, signed by the individual, showing each period of time after the individual attained the age of 18 in which the individual received an occupational dose of radiation; and
- 2) calculate on Department Form KLA.002, in accordance with the instructions appearing therein, or on a clear and legible record containing all the information required in that form, the previously accumulated occupational dose received by the individual and the additional dose allowed for that individual under Section 340.1010(b).

c)

- 1) In the preparation of Department Form KLA.002, or a clear and legible record containing all the information required in that form, the licensee or registrant shall make a reasonable effort to obtain reports of the individual's previously accumulated occupational dose. For each period for which the licensee or registrant obtains such reports, he shall use the dose shown in the report in preparing the form. In any case where a licensee or registrant is unable to obtain reports of the individual's occupational dose for a previous complete calendar quarter, it shall be assumed that the individual has received the occupational dose specified in whichever of the following columns apply:

Column 1	Column 2
Assumed Dose in Rems (mSv) for Calendar Quarters Prior to January 1, 1961.	Assumed Dose in Rems (mSv) for Calendar Quarters Beginning on or After January 1, 1961.

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Part of Body

Whole body, gonads,
active blood-forming
organs, head and trunk,
lens of eye

3 3/4 (37.5 mSv) 1 1/4 (12.5 mSv)

- 2) The licensee or registrant shall retain and preserve records used in preparing Department Form KLA.002 until the Department authorizes their disposition. Such disposition of records will be authorized by the Department only when the records are no longer required to establish compliance with this section. If calculation of the individual's accumulated occupational dose for all periods prior to January 1, 1961, yields a result higher than the applicable accumulated dose value for the individual as of that date, as specified in Section 340.1010(b)(2), the excess may be disregarded.

- d) Vacation - A person shall not be granted time off from work as a substitute for adequate protection against exposure to radiation.

Section 340.1030 Exposure to Concentrations of Radioactive Material in Air in Restricted Areas

a)

- 1) No licensee or registrant shall possess, use, or transfer radioactive material in such a manner as to permit any individual in a restricted area to inhale a quantity of radioactive material in any period of 1 calendar quarter greater than the quantity which would result from inhalation for 40 hours per week for 13 weeks at uniform concentrations of radioactive material in air specified in Appendix A, Table I, Column 1, of this Part*. If the radioactive material is of such form that intake by absorption through the skin is likely, individual exposures to radioactive material shall be controlled so that the uptake of radioactive material by any organ from either inhalation or absorption or both routes of intake** in any calendar quarter does not exceed that which would result from inhaling such radioactive material for 40 hours per week for 13 weeks at uniform concentrations specified in Appendix A, Table I, Column 1, of this Part.

2)

No licensee or registrant shall possess, use, or transfer mixtures of U-234, U-235, and U-238 in soluble form in such a manner as to permit any individual in a restricted area to inhale a quantity of such material in excess of the intake limits specified in Appendix A, Table I, Column 1, of this Part. If such soluble uranium is of a form such that absorption through the skin is likely, individual exposures to

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*AGENCY NOTE: Since the concentration specified for tritium oxide vapor assumes equal intakes by skin absorption and inhalation, the total intake permitted is twice that which would result from inhalation alone at the concentration specified for H-3(S) in Appendix A, Table I, Column 1, of this Part for 40 hours per week for 13 weeks.

For radon-222, the limiting quantity is that inhaled in a period of one calendar year. For radioactive material designated "Sub" in the "Isotope" column of the table, the concentration value specified is based upon exposure to the material as an external radiation source. Individual exposures to these materials may be accounted for as part of the limitation on individual dose in Section 340.1010. These nuclides shall be subject to the precautionary procedures required by Section 340.1030(b)(1).

Multiply the concentration values specified in Appendix A, Table I, Column 1, of this Part by 6.3×10^6 milliliters to obtain the quarterly quantity limit. Multiply the concentration value specified in Appendix A, Table I, Column 1, of this Part by 2.5×10^9 milliliters to obtain the annual quantity limit for Rn-222.

**AGENCY NOTE: Significant intake by ingestion or injection is presumed to occur only as a result of circumstances such as accident, inadvertence, poor procedure, or similar special conditions. Such intakes must be evaluated and accounted for by techniques and procedures as may be appropriate to the circumstances of the occurrence. Exposures so evaluated shall be included in determining whether the limitation on individual exposures in Section 340.1030(a)(1) has been exceeded.

Regulatory guidance on assessment of individual intakes of radioactive material is given in U.S. Nuclear Regulatory Commission Regulatory Guide 8.9, "Acceptable Concepts, Models, Equations and Assumptions for a Bioassay Program." Single copies of Regulatory Guide 8.9 are available from the Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, upon written request.

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such material shall be controlled so that the uptake of such material by any organ from either inhalation or absorption or both routes of intake* does not exceed that which would result from inhaling such material at the limits specified in Appendix A, Table I, Column 1, of this Part and AGENCY NOTE under Section 340.1030(a) (1).

*AGENCY NOTE: Significant intake by ingestion or injection is presumed to occur only as a result of circumstances such as accident, inadvertence, poor procedure, or similar special conditions. Such intakes must be evaluated and accounted for by techniques and procedures as may be appropriate to the circumstances of the occurrence. Exposures so evaluated shall be included in determining whether the limitation on individual exposures in Section 340.1030(a)(1) has been exceeded.

- 3) For purposes of determining compliance with the requirements of Section 340.1030, the licensee or registrant shall measure concentrations of radioactive material in air for purposes of detecting and evaluating airborne radioactivity in restricted areas, and shall measure radioactivity in the body, radioactivity excreted from the body, or any combination of such measurements as may be necessary for timely detection and assessment of intakes of radioactivity by exposed individuals. For purposes of these assessments, it shall be assumed that an individual inhales radioactive material at the airborne concentration in which he is present unless he uses respiratory protective equipment pursuant to Section 340.1030(c). If an individual intake is less than that which would result from inhalation for 2 hours, in any one day, or for 10 hours in any one week at uniform concentrations specified in Appendix A, Table I, Column 1 of this Part, it need not be included in such assessment, provided that for any assessment in excess of these amounts, the entire amount must be included.

b) Precautionary Measures:

- 1) The licensee or registrant shall, as a precautionary procedure, use process or other engineering controls, to the extent practicable, to limit concentrations of radioactive material in air to levels below those which delimit an airborne radioactivity area as defined in 32 Ill. Adm. Code 310.20.

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- 2) When it is impracticable to apply process or other engineering controls to limit concentrations of radioactive material in air below those defined in 32 Ill. Adm. Code 310.20, other precautionary procedures, such as increased surveillance, limitation of working times, or provision of respiratory protective equipment, shall be used to maintain intake of radioactive material by any individual within any period of seven consecutive days as far below that intake of radioactive material which would result from inhalation of such material for 40 hours at the uniform concentrations specified in Appendix A, Table I, Column 1, of this Part as is reasonably achievable. Whenever the intake of radioactive material by any individual exceeds this 40-hour control measure, the licensee or registrant shall make such evaluations and take such actions as are necessary to assure against recurrence. The licensee or registrant shall maintain records of such occurrences, evaluations, and actions taken in a clear and readily identifiable form suitable for summary review and evaluation.

- c) When respiratory protective equipment is used to limit the inhalation of airborne radioactive material pursuant to Section 340.1030(b)(2), the licensee or registrant may make allowance for such use in estimating exposures of individuals to such material provided that such equipment is used and exposures are evaluated as stipulated in Section 20.103(c) of 10 CFR 20, revised as of January 1, 1985, exclusive of subsequent amendments or editions. A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety.

- d) Unless otherwise authorized by the Department, the licensee or registrant shall not assign protection factors in excess of those specified in Appendix A of 10 CFR 20 in selecting and using respiratory protective equipment.* The Department may authorize a licensee to use higher protection factors on receipt of an application providing that the applicant:
 - 1) describes the situation for which a need exists for higher protection factors; and
 - 2) demonstrates that the respiratory protective equipment will provide these higher protection factors under the proposed conditions of use.

*AGENCY NOTE: The reference to 10 CFR 20 is to the version revised as of January 1, 1985, exclusive of subsequent amendments or

editions. A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety.

- e) Where equipment of a particular type has not been tested and certified, or had certification extended by the National Institute for Occupational Safety and Health/Mine Safety and Health Administration (NIOSH/MSHA), or where there is no existing schedule for test and certification of certain equipment, the licensee or registrant shall not make allowance for this equipment without specific authorization by the Department. An application for this authorization must include a demonstration by testing, or on the basis of reliable test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use.

- f) Only equipment that has been specifically certified or had certification extended for emergency use by NIOSH/MSHA shall be used as emergency devices.

- g) The licensee or registrant shall notify, in writing, the Department at least 30 days before the date that respiratory protection equipment is first used under the provisions of Section 340.1030.

Section 340.1040 Exposure of Minors*

- a) No licensee or registrant shall possess, use, or transfer sources of radiation in such a manner as to cause any individual within a restricted area, who is under 18 years of age, to receive in any period of one calendar quarter from all sources of radiation in such licensee's or registrant's possession a dose in excess of 10 percent of the standards specified in Section 340.1010(a).

- b) No licensee or registrant shall possess, use, or transfer radioactive material in such a manner as to cause any individual within a restricted area, who is under 18 years of age, to be exposed to air-borne radioactive material in an average concentration in excess of the limits specified in Appendix A, Table II, of this Part. For purposes of this paragraph, concentrations may be averaged over periods not greater than a week.

- c) The provisions of Section 340.1030(b)(2) and 340.1030(c) shall apply to exposures subject to Section 340.1040(b) except that the

references in Sections 340.1030(b)(2) and 340.1030(c) to Appendix A, Table I, Column 1 of this Part shall be deemed to be references to Appendix A, Table II, Column 1, of this Part.

*AGENCY NOTE: For determining the doses specified in this Section, a dose from x or gamma rays up to 10 Mev may be assumed to be equivalent to the exposure measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of the highest dose rate.

Section 340.1050 Permissible Levels of Radiation from External Sources in Unrestricted Areas*

- a) Except as authorized by the Department pursuant to Section 340.1050(b), no licensee or registrant shall possess, use, or transfer sources of radiation in such a manner as to create in any unrestricted area from such sources of radiation in his possession:
- 1) radiation levels which, if an individual were continuously present in the area, could result in his receiving a dose in excess of 2 millirems (0.02 mSv) in any one hour; or
 - 2) radiation levels which, if an individual were continuously present in the area, could result in his receiving a dose in excess of 100 millirems (1.0 mSv) in any seven consecutive days.

- b) Any person may apply to the Department for proposed limits upon levels of radiation in unrestricted areas in excess of those specified in Section 340.1050(a) resulting from the applicant's possession or use of sources of radiation. Such applications should include information as to anticipated average radiation levels and anticipated occupancy times for each unrestricted area involved. The Department will approve the proposed limits if the applicant demonstrates to the satisfaction of the Department that the proposed limits are not likely to cause any individual to receive a dose to the whole body in any period of one calendar year in excess of 0.5 rem (5.0 mSv).

*AGENCY NOTE: It is the intent of Section 340.1050 to limit radiation levels so that it is unlikely that individuals in unrestricted areas would receive a dose to the whole body in excess of 0.5 rem (5.0 mSv) in any one year. If in specific instances, it is determined by the Department that this intent is not met, the Department may, pursuant to 32 Ill. Adm. Code 310.70 impose such

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- B) physical characteristics, including suspended solids content in liquid effluents, and nature of gas or aerosol for air effluents,
- C) the hydrogen ion concentrations (pH) of liquid effluents; and,
- D) the size range of particulates in effluents released into air;
- 3) a description of the anticipated human occupancy in the unrestricted area where the highest concentration of radioactive material from the effluent is expected, and, in the case of a river or stream, a description of water uses downstream from the point of release of the effluent;
- 4) information as to the highest concentration of each radionuclide in an unrestricted area, including anticipated concentrations averaged over a period of 1 year:
 - A) in air at any point of human occupancy, or
 - B) in water at points of use downstream from the point of release of the effluent;
- 5) the background concentration of radionuclides in the receiving river or stream prior to the release of liquid effluent;
- 6) a description of the environmental monitoring equipment, including sensitivity of the system, and procedures and calculations to determine concentrations of radionuclides in the unrestricted area and possible reconcentrations of radionuclides; and
- 7) a description of the waste treatment facilities and procedures used to reduce the concentration of radionuclides in effluents prior to their release.

d)

For the purposes of Section 340.1060, the concentration limits in Appendix A, Table II, of this Part shall apply at the boundary of the restricted area. The concentration of radioactive material discharged through a stack, pipe, or similar conduit may be determined with respect to the point where the material leaves the conduit. If the conduit discharges within the restricted area, the concentration at the boundary may be determined by applying

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additional requirements on the licensee or registrant as may be necessary to meet the intent.

Section 340.1060 Concentration of Radioactivity in Effluents to Unrestricted Areas

- a) A licensee or registrant shall not possess, use, or transfer licensed material so as to release to an unrestricted area radioactive material in concentrations which exceed the limits specified in Appendix A, Table II, of this Part, except as authorized pursuant to Sections 340.3020 or 340.1060(b). For purposes of Section 340.1060, concentrations may be averaged over a period of not greater than 1 year.
- b) An application for a license or amendment may include proposed limits higher than those specified in Section 340.1060(a). The Department will approve the proposed limits if the applicant demonstrates:
 - 1) that the applicant has made a reasonable effort to minimize the radioactivity contained in effluents to unrestricted areas; and
 - 2) that it is not likely that radioactive material discharged in the effluent would result in the exposure of an individual to concentrations of radioactive material in air or water exceeding the limits specified in Appendix A, Table II, of this Part.
- c) An application for higher limits pursuant to Section 340.1060(b) shall include information demonstrating that the applicant has made a reasonable effort to minimize the radioactivity discharged in effluents to unrestricted areas, and shall include, as pertinent:
 - 1) information as to flow rates, total volume of effluent, peak concentration of each radionuclide in the effluent, and concentration of each radionuclide in the effluent averaged over a period of 1 year at the point where the effluent leaves a stack, tube, pipe, or similar conduit;
 - 2) a description of the properties of the effluents, including:
 - A) chemical composition,

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appropriate factors for dilution, dispersion, or decay between the point of discharge and the boundary.

- e) In addition to limiting concentrations in effluent streams, the Department may limit quantities of radioactive material released in air or water during a specified period of time if it appears that the daily intake of radioactive material from air, water, or food by a suitable sample of an exposed population group, averaged over a period not exceeding 1 year, would otherwise exceed the daily intake resulting from continuous exposure to air or water containing one-third (1/3) the concentration of radioactive material specified in Appendix A, Table II, of this Part.
- f) The provisions of Section 340.1060 do not apply to disposal of radioactive material into sanitary sewage systems, which is governed by Section 340.3030.

- g) In addition to the other requirements of this Part, licensees or registrants engaged in uranium fuel cycle operations shall also comply with the provisions of 40 CFR 190, "Environmental Radiation Protection Standard for Nuclear Power Operations", revised as of July 1, 1984, exclusive of subsequent amendments or editions.

Section 340.1070 Orders Requiring Furnishing of Bioassay Services

Where necessary or desirable in order to aid in determining the extent of an individual's exposure to concentrations of radioactive material, the Department may incorporate provisions in the license or issue an order requiring a licensee or registrant to make available to the individual appropriate bioassay services and to furnish a copy of the reports of such services to the Department.

SUBPART B: PRECAUTIONARY PROCEDURES

Section 340.2010 Surveys

- a) Each licensee or registrant shall make or cause to be made such surveys as may be necessary for him to establish compliance with this Part.
- b) In addition, each licensee or registrant shall make or cause to be made such surveys as are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present.

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Section 340.2020 Personnel Monitoring

- a) Each licensee or registrant shall supply appropriate personnel monitoring equipment to, and shall require the use of such equipment by:
 - 1) Each individual who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in Section 340.1010(a).
 - 2) Each individual under 18 years of age who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 5 percent of the applicable value specified in Section 340.1010(a).
 - 3) Each individual who enters a high radiation area.
- b) At the present time, monitoring for compliance with Section 340.2020 shall be by film badge and/or thermoluminescent dosimetry only. However, the Department reserves the right to approve additional monitoring systems.*

*AGENCY NOTE: Monitoring devices used to estimate whole body exposure normally should be worn on the chest or abdomen. When a protective apron is worn (e.g. during fluoroscopy), particular care should be taken in choosing the location of the monitoring device and in interpreting its reading. If only a single monitor is worn in conjunction with protective apparel, it should be worn on the front collar outside the protective lead apron since this is the region of the total body which receives the most exposure.

- c) Dosimetry of the instant reading type may also be required depending upon the likelihood of an immediate hazard to life or health of personnel.
- d) Blood counts shall not be used as a substitute for physical means of personnel monitoring.
- e) All personnel dosimeters, except extremity dosimeters and pocket ionization chambers, that require processing to yield a dose equivalent and that are supplied by licensees to comply with paragraph (a) of this section:

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- 1) shall be processed by a processor holding a current personnel dosimetry accreditation certificate from the National Voluntary Laboratory Accreditation Program of the National Bureau of Standards in accordance with accreditation criteria established in 15 CFR 7b, revised as of January 1, 1985, in conformity with National Standard for Dosimetry Testing ANSI N13.11-1983, 1983 edition*, and
 - 2) shall be approved in this accreditation process for the type of radiation or radiations from Table 1 of ANSI N13.11-1983, 1983 edition*, that most closely approximate the type of radiation or radiations for which the individual wearing the dosimeter is monitored.
- *AGENCY NOTE: This Section incorporates the criteria in the January 1, 1985 revision of 15 CFR 7b, and in ANSI N13.11-1983, 1983 edition, exclusive of subsequent amendments or editions. Copies of both 15 CFR 7b and ANSI N13.11-1983 are available for public inspection at the Department of Nuclear Safety. Copies of ANSI N13.11-1983 can be obtained directly from the American National Standards Institute, 1430 Broadway, New York, New York 10018.

Section 340.2030 Caution Signs, Labels, and Signals

a) General

- 1) Except as otherwise authorized by the Department, symbols prescribed by Section 340.2030 shall use the conventional radiation caution colors (magenta or purple on yellow background). The symbol prescribed by this Section is the conventional three-blade design (as depicted in Illustration A):

RADIATION SYMBOL

- A) Cross-hatch area is to be magenta or purple.
 - B) Background is to be yellow.
- 2) In addition to the contents of signs and labels prescribed in this Section, a licensee or registrant may provide on or near such signs and labels any additional information which may be appropriate in aiding individuals to minimize exposure to radiation.

- b) Radiation Areas. Each radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION *

RADIATION AREA

*AGENCY NOTE: Or "Danger."

c) High Radiation Areas.

- 1) Each high radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION *

HIGH RADIATION AREA

*AGENCY NOTE: Or "Danger."

- 2) Each entrance or access point to a high radiation area shall be:

- A) equipped with a control device which shall cause the level of radiation to be reduced below that at which an individual might receive a dose of 100 millirems (1.0 mSv) in 1 hour upon entry into the area; or
 - B) equipped with a control device which shall energize a conspicuous visible or audible alarm signal in such a manner that the individual entering the high radiation area and the licensee or a supervisor of the activity are made aware of the entry; or
 - C) maintained locked except during periods when access to the area is required, with positive control over each individual entry.
- 3) The controls required by Section 340.2030(c)(2) shall be established in such a way that no individual will be prevented from leaving a high radiation area.
 - 4) In the case of a high radiation area established for a period of 30 days or less, direct surveillance to prevent

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unauthorized entry may be substituted for the controls required by Section 340.2030(c)(2).

- 5) Any licensee or registrant may apply to the Department for approval of methods not included in Section 340.2030(c)(2) and (4) for controlling access to high radiation areas. The Department will approve the proposed alternatives if the licensee or registrant demonstrates that the alternative methods of control will prevent unauthorized entry into a high radiation area, and that the requirement of Section 340.2030(c)(3) is met.
- 6) Each area in which there may exist radiation levels in excess of 500 rems (5.0 Sv) in 1 hour at 1 meter from a sealed radioactive source that is used to irradiate materials shall have entry control devices and alarms meeting the criteria specified in Section 20.203(c)(6) of 10 CFR 20, revised as of January 1, 1985, exclusive of subsequent amendments or editions. A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety.
- 7) The requirements of Section 340.2030(c)(6) shall not apply to radioactive sources that are used in teletherapy, industrial radiography, or in completely self-contained irradiators. Licensees with, or applicants for, licenses for radiation sources that are within the purview of Section 340.2030(c)(6), and that must be used in a variety of positions or in peculiar locations, such as open fields or forests, that make it impracticable to comply with certain requirements of Section 340.2030 (c)(6), such as those for the automatic control of radiation levels, may apply to the Director, Illinois Department of Nuclear Safety for approval, prior to use of safety measures that are alternative to those specified in Section 340.2030(c) (6), and that will provide at least an equivalent degree of personnel protection in the use of such sources. At least one of the alternative measures must include an entry-preventing interlock control based on a physical measurement of radiation that assures the absence of high radiation levels before an individual can gain access to an area where such sources are used.

- d) Airborne Radioactivity Areas. Each airborne radioactivity area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

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CAUTION *

AIRBORNE RADIOACTIVITY AREA

*AGENCY NOTE: Or "Danger."

e) Additional Requirements.

- 1) Each area or room in which any radioactive material, other than natural uranium or thorium, is used or stored in an amount exceeding 10 times the quantity of radioactive material specified in Appendix B of this Part shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION *

RADIOACTIVE MATERIAL

*AGENCY NOTE: Or "Danger."

- 2) Each area or room in which natural uranium or thorium is used or stored in an amount exceeding 100 times the quantity specified in Appendix B of this Part shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION *

RADIOACTIVE MATERIAL

*AGENCY NOTE: Or "Danger."

f) Containers.

- 1) Except as provided in Section 340.2030(f)(3), each container of radioactive material shall bear a durable, clearly visible label identifying the radioactive contents.

2)

- A) A label required pursuant to Section 340.2030(f)(1) shall bear the radiation caution symbol and the words:

CAUTION *

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RADIOACTIVE MATERIAL

*AGENCY NOTE: Or "Danger."

B) It shall also provide sufficient information* to permit individuals handling or using the containers, or working in the vicinity thereof, to take precautions to avoid or minimize exposures.

*AGENCY NOTE: As appropriate, the information will include radiation levels, kinds of material, estimate of activity, date for which activity is estimated, etc.

3) Notwithstanding the provisions of Section 340.2030(f)(1), labeling is not required:

- A) for containers that do not contain radioactive material in quantities greater than the applicable quantities listed in Appendix B of this Part;
- B) for containers containing only natural uranium or thorium in quantities no greater than 10 times the applicable quantities listed in Appendix B of this Part;
- C) for containers that do not contain radioactive material in concentrations greater than the applicable concentrations listed in Appendix A, Table I, Column 2 of this Part;
- D) for containers when they are attended by an individual who takes the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established by the regulations in this Part;
- E) for containers when they are in transport and packaged and labeled in accordance with regulations published by the U.S. Department of Transportation;
- F) for containers which are accessible only to individuals authorized to handle or use them* or to work in the vicinity thereof, provided that the contents are identified to such individuals by a readily available written record; and

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*AGENCY NOTE: For example, containers in locations such as water-filled canals, storage vaults, or hot cells.

G) for manufacturing and process equipment such as piping and tanks.

4) Each licensee or registrant shall, prior to disposal of an empty uncontaminated container to unrestricted areas, remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive material.

g) All radiation machines shall be labeled in a manner which cautions individuals that radiation is produced when the machine is being operated.

Section 340.2040 Exceptions from Posting and Labeling Requirements

Notwithstanding the provisions of Section 340.2030:

- a) A room or area is not required to be posted with a caution sign because of the presence of a sealed source, provided the radiation level 12 inches (30.5 cm) from the surface of the source container or housing does not exceed 5 millirems per hour (0.05 mSv/h).
- b) Rooms or other areas in hospitals are not required to be posted with caution signs, and control of entrance or access thereto pursuant to Section 340.2030(c) is not required because of the presence of patients containing radioactive material, provided that there are hospital personnel available who are responsible for taking the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in the regulations of this Part.
- c) Caution signs are not required to be posted in areas or rooms containing radioactive material for periods of less than 8 hours provided that:
 - 1) the material is constantly attended during such periods by an individual who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in this Part, and
 - 2) such area or room is subject to the licensee's or registrant's control.

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- d) A room or other area is not required to be posted with a caution sign, and control is not required for each entrance or access point to a room or other area which is a high radiation area solely because of the presence of radioactive material prepared for transport and packaged and labeled in accordance with regulations of the U.S. Department of Transportation.

Section 340.2050 Instruction of Personnel

Instructions required for individuals working in or frequenting any portion of a restricted area are specified in 32 Ill. Adm. Code 400.120.

Section 340.2060 Storage and Control of Sources of Radiation

- a) Sources of radiation shall be secured against unauthorized removal from the place of storage.
- b) Sources of radiation in an unrestricted area and not in storage shall be tended under the constant surveillance and immediate control of the licensee or registrant.

Section 340.2070 Procedures for Picking Up, Receiving, and Opening Packages

- a) 1) Each licensee or registrant who expects to receive a package containing quantities of radioactive material in excess of the A_2 quantities specified in Appendix A of 32 Ill. Adm. Code 341 shall:
- A) if the package is to be delivered to the licensee's or registrant's facility by the carrier, make arrangements to receive the package when it is offered for delivery by the carrier; or
- B) if the package is to be picked up by the licensee or registrant at the carrier's terminal, make arrangements to receive notification from the carrier of the arrival of the package, at the time of the arrival.
- 2) Each licensee or registrant who picks up a package of radioactive material from a carrier's terminal shall pick up the package expeditiously upon receipt of notification from the carrier of its arrival.
- b) 1) Each licensee or registrant, upon receipt of a package of

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radioactive material, shall monitor the external surfaces of the package for radioactive contamination caused by leakage of the radioactive contents. The monitoring shall be performed as soon as practicable after receipt, but no later than 3 hours after the package is received at the licensee's facility if received during the licensee's normal working hours or 18 hours if received after normal working hours. Such monitoring need not be performed on:

- A) packages containing less than 1 millicurie (37 MBq) of beta and/or gamma emitting radioactive material or 10 microcuries (370 KBq) of alpha emitting radioactive material;
- B) packages containing no more than 10 millicuries (370 MBq) of radioactive material consisting solely of tritium, carbon-14, sulfur-35, or iodine-125;
- C) packages containing only special form radioactive material or gases;
- D) packages containing only radioactive material in other than liquid form, including Mo-99/Tc-99m generators, and less than the A_2 quantity specified in Appendix A of 32 Ill. Adm. Code 341; and
- E) packages containing only radionuclides with half-lives of less than 30 days and a total quantity of no more than 100 millicuries (3.7 GBq).
- 2) If removable radioactive contamination in excess of 0.01 microcurie (370 Bq) per 100 square centimeters of package surface is found on the external surfaces of the package, the licensee or registrant shall immediately notify, by telephone and telegraph, the final delivering carrier and the Department.
- c) 1) Each licensee or registrant, upon receipt of a package containing quantities of radioactive material in excess of the A_2 quantities specified in Appendix A of 32 Ill. Adm. Code 341, other than those transported by exclusive use vehicle, shall monitor the radiation levels external to the package. The package shall be monitored as soon as practicable after receipt, but no later than 3 hours after the package is

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- b) The Department will not approve any application for a license to receive radioactive material from other persons for disposal on land not owned by a State or the Federal Government.

Section 340.3030 Disposal by Release Into Sanitary Sewage Systems

- a) No licensee or registrant shall discharge radioactive material into a sanitary sewage system unless:

- 1) it is readily soluble or dispersible in water; and
- 2) the quantity of any radioactive material released into the system by the licensee or registrant in any one day does not exceed the larger of:
 - A) the quantity which, if diluted by the average daily quantity of sewage released into the sewer by the licensee or registrant, will result in an average concentration equal to the limits specified in Appendix A, Table 1, Column 2, of this Part, or
 - B) 10 times the quantity of such material specified in Appendix B of this Part; and
- 3) the quantity of any radioactive material released in any one month, if diluted by the average monthly quantity of water released by the licensee or registrant, will not result in an average concentration exceeding the limits specified in Appendix A, Table 1, Column 2, of this Part; and
- 4) the gross quantity of radioactive material, excluding hydrogen-3 and carbon-14, released into the sewage system by the licensee does not exceed 1 curie (37 GBq) per year. The quantities of hydrogen-3 and carbon-14 released into the sanitary sewage system may not exceed 5 curies (185 GBq) per year for hydrogen-3 and 1 curie (37 GBq) per year for carbon-14.

- b) No licensee or registrant shall discharge radioactive material into an individual sewage disposal system used for the treatment of waste water serving only a single dwelling, office building, industrial plant, or institution except as specifically approved by the Department pursuant to Sections 340.1060 and 340.3020.

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received at the licensee's facility if received during the licensee's normal working hours, or 18 hours if received after normal working hours.

- 2) If radiation levels are found on the external surface of the package in excess of 200 millirems per hour (2.0 mSv/h), or in excess of 10 millirems per hour (0.1 mSv/h) at 1 meter from the external surface of the package, the licensee or registrant shall immediately notify, by telephone and teletype, the final delivering carrier and the Department.

- d) Each licensee or registrant shall establish and maintain procedures for safely opening packages in which radioactive material is received and shall assure that such procedures are followed and that due consideration is given to special instructions for the type of package being opened.

SUBPART C: WASTE DISPOSAL

Section 340.3010 General Requirement.

No licensee shall dispose of any radioactive material except:

- a) by transfer to an authorized recipient as provided in 32 Ill. Adm. Code 330.400, or
- b) as authorized pursuant to Sections 340.1060, 340.3020, 340.3030, 340.3040, 340.3050, and 340.3060.

Section 340.3020 Method of Obtaining Approval of Proposed Disposal Procedures

- a) Any person may apply to the Department for approval of proposed procedures to dispose of radioactive material in a manner not otherwise authorized in this Part. Each application shall include a description of the radioactive material, including the quantities and kinds of radioactive material and levels of radioactivity involved, and the proposed manner and conditions of disposal. The application, where appropriate, should also include an analysis and evaluation of pertinent information as to the nature of the environment, including topographical, geological, meteorological, and hydrological characteristics; usage of ground and surface waters in the general area; the nature and location of other potentially affected facilities; and procedures to be observed to minimize the risk of unexpected or hazardous exposures.

- c) Excreta from individuals undergoing medical diagnosis or therapy with radioactive material shall be exempt from any limitations contained in Section 340.3030.

Section 340.3040 Land Disposal

No licensee or registrant shall dispose of radioactive material by land disposal except as specifically approved by the Department pursuant to Section 340.3020.

Section 340.3050 Disposal by Incineration

No licensee or registrant shall incinerate radioactive material for the purpose of disposal or preparation for disposal except as specifically approved by the Department pursuant to Sections 340.1060 and 340.3020.

Section 340.3060 Disposal of Specific Wastes

- a) Any licensee or registrant may dispose of the following radioactive material without regard to its radioactivity:

- 1) 0.05 microcurie (1.850 kBq) or less of hydrogen-3 or carbon-14 per gram of medium used for liquid scintillation counting, and
- 2) 0.05 microcurie (1.850 kBq) or less of hydrogen-3 or carbon-14 per gram of animal tissue averaged over the weight of the entire animal; provided, however, tissue may not be disposed of under this Section in a manner that would permit its use either as food for humans or as animal feed.

- b) Nothing in Section 340.3060(a), however, relieves the licensee or registrant of maintaining records showing the receipt, transfer and disposal of such radioactive material as specified in 32 Ill. Adm. Code 310.40.

- c) Nothing in Section 340.3060(a) relieves the licensee or registrant from complying with other applicable federal, state, and local regulations governing any other toxic or hazardous property of these materials.

Section 340.3070 Classification of Radioactive Waste for Land Disposal

- a) Considerations. Determination of the classification of radioactive waste involves two considerations. First, consideration must be given to the concentration of long-lived radionuclides (and their shorter-lived precursors) whose potential hazard will persist long

after such precautions as institutional controls, improved waste form, and deeper disposal have ceased to be effective. These precautions delay the time when long-lived radionuclides could cause exposures. In addition, the magnitude of the potential dose is limited by the concentration and availability of the radionuclide at the time of exposure. Second, consideration must be given to the concentration of shorter-lived radionuclides for which requirements on institutional controls, waste form, and disposal methods are effective.

b) Classes of waste.

- 1) Class A waste is waste that is usually segregated from other waste classes at the disposal site. The physical form and characteristics of Class A waste must meet the minimum requirements set forth in Section 340.3080(a). If Class A waste also meets the stability requirements set forth in Section 340.3080 (b), it is not necessary to segregate the waste for disposal.
 - 2) Class B waste is waste that must meet more rigorous requirements on waste form to ensure stability (as defined in 32 Ill. Adm. Code 601.20) after disposal. The physical form and characteristics of Class B waste must meet both the minimum and stability requirements set forth in Section 340.3080.
 - 3) Class C waste is waste that not only must meet more rigorous requirements on waste form to ensure stability but also requires additional measures at the disposal facility to protect against inadvertent intrusion. The physical form and characteristics of Class C waste must meet both the minimum and stability requirements set forth in Section 340.3080.
- c) Classification determined by long-lived radionuclides. If the radioactive waste contains only radionuclides listed in Table 1, classification shall be determined as follows:

- 1) If the concentration does not exceed 0.1 times the value in Table 1, the waste is Class A.
- 2) If the concentration exceeds 0.1 times the value in Table 1, but does not exceed the value in Table 1, the waste is Class C.

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- 3) If the concentration exceeds the value in Column 2 but does not exceed the value in Column 3, the waste is Class C.
- 4) If the concentration exceeds the value in Column 3, the waste is not generally acceptable for near-surface disposal.
- 5) For wastes containing mixtures of the radionuclides listed in Table 2, the total concentration shall be determined by the sum of fractions rule described in Section 340.3070(g).

Table 2

Radionuclide	Concentration, Column 1	curies / cubic meter Column 2	Column 3
Total of all radionuclides with less than 5-year half-life	700	*	*
H-3	40	*	*
Co-60	700	*	*
Ni-63	3.5	70	700
Ni-63 in activated metal	35	700	7000
Sr-90	0.04	150	7000
Cs-137	1	44	4600

*AGENCY NOTE: There are no limits established for these radionuclides in Class B or C wastes. Practical considerations such as the effects of external radiation and internal heat generation on transportation, handling, and disposal will limit the concentrations for these wastes. These wastes shall be Class B unless the concentrations of other radionuclides in Table 2 determine the waste to be Class C independent of these radionuclides.

- e) Classification determined by both long- and short-lived radionuclides. If the radioactive waste contains a mixture of radionuclides, some of which are listed in Table 1 and some of which are listed in Table 2, classification shall be determined as follows:

- 1) If the concentration of a radionuclide listed in Table 1 is

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- 3) If the concentration exceeds the value in Table 1, the waste is not generally acceptable for land disposal.
- 4) For wastes containing mixtures of radionuclides listed in Table 1, the total concentration shall be determined by the sum of fractions rule described in Section 340.3070(g).

Table 1

Radionuclide	Concentration curies/cubic meter
C-14	8
C-14 in activated metal	80
Ni-59 in activated metal	220
Nb-94 in activated metal	0.2
Tc-99	3
I-129	0.08
Alpha emitting transuranic radionuclides with half-life greater than five years	100*
Pu-241	3,500*
Cm-242	20,000*
Ra-226	100*

*AGENCY NOTE: Units are nanocuries per gram.

- d) Classification determined by short-lived radionuclides. If the waste does not contain any of the radionuclides listed in Table 1, classification shall be determined based on the concentrations shown in Table 2. However, as specified in Section 340.3070(f), if radioactive waste does not contain any nuclides listed in either Table 1 or 2, it is Class A.

- 1) If the concentration does not exceed the value in Column 1, the waste is Class A.
- 2) If the concentration exceeds the value in Column 1 but does not exceed the value in Column 2, the waste is Class B.

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less than 0.1 times the value listed in Table 1, the class shall be that determined by the concentration of radionuclides listed in Table 2.

- 2) If the concentration of a radionuclide listed in Table 1 exceeds 0.1 times the value listed in Table 1, but does not exceed the value in Table 1, the waste shall be Class C, provided the concentration of radionuclides listed in Table 2 does not exceed the value shown in Column 3 of Table 2.
- f) Classification of wastes with radionuclides other than those listed in Tables 1 and 2. If the waste does not contain any radionuclides listed in either Table 1 or 2, it is Class A.
- g) The sum of the fractions rule for mixtures of radionuclides. For determining classification for waste that contains a mixture of radionuclides, it is necessary to determine the sum of fractions by dividing each radionuclide's concentration by the appropriate limit and adding the resulting values. The appropriate limits must all be taken from the same column of the same table. The sum of the fractions for the column must be less than 1.0 if the waste class is to be determined by that column. Example: A waste contains Sr-90 in a concentration of 50 Ci/m³ and Cs-137 in a concentration of 22 Ci/m³. Since the concentrations both exceed the values in Column 1, Table 2, they must be compared to Column 2 values. For Sr-90 fraction, $50/150 = 0.33$; for Cs-137 fraction, $22/44 = 0.5$; the sum of the fractions = 0.83. Since the sum is less than 1.0, the waste is Class B.
- h) Determination of concentrations in wastes. The concentration of a radionuclide may be determined by indirect methods such as use of scaling factors which relate the inferred concentration of one radionuclide to another that is measured, or radionuclide material accountability, if there is reasonable assurance that the indirect methods can be correlated with actual measurements. The concentration of a radionuclide may be averaged over the volume of the waste, or weight of the waste if the units are expressed as nanocuries per gram.

Section 340.3080 Radioactive Waste Characteristics

- a) The following are minimum requirements for all classes of waste and are intended to facilitate handling and provide protection of health and safety of personnel at the disposal site.
 - 1) Wastes shall be packaged in conformance with the conditions of

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the license issued to the site operator to which the waste will be shipped. Where the conditions of the site license are more restrictive than the provisions of this Part, the site license conditions shall govern.

- 2) Wastes shall not be packaged for disposal in cardboard or fiberboard boxes.
- 3) Liquid waste shall be packaged in sufficient absorbent material to absorb twice the volume of the liquid.
- 4) Solid waste containing liquid shall contain as little free-standing and non-corrosive liquid as is reasonably achievable, but in no case shall the liquid exceed 1% of the volume.
- 5) Waste shall not be readily capable of detonation or of explosive decomposition or reaction at normal pressures and temperatures, or of explosive reaction with water.
- 6) Waste shall not contain, or be capable of generating, quantities of toxic gases, vapors, or fumes harmful to persons transporting, handling, or disposing of the waste. This does not apply to radioactive gaseous waste packaged in accordance with Section 340.3080(a)(8).
- 7) Waste must not be pyrophoric. Pyrophoric materials contained in wastes shall be treated, prepared, and packaged to be nonflammable. (See 32 Ill. Adm. Code 601 for definition of pyrophoric.)
- 8) Wastes in a gaseous form shall be packaged at an absolute pressure that does not exceed 1.5 atmospheres at 20°C. Total activity shall not exceed 100 curies per container.
- 9) Wastes containing hazardous, biological, pathogenic, or infectious material shall be treated to reduce to the maximum extent practicable the potential hazard from the non-radio-logical materials.
- b) The following requirements are intended to provide stability of the waste. Stability is intended to ensure that the waste does not degrade and affect overall stability of the site through slumping, collapse, or other failure of the disposal unit and thereby lead to water infiltration. Stability is also a factor in limiting exposure to an inadvertent intruder, since it provides a recognizable and nondispersible waste.

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- 1) Waste shall have structural stability. A structurally stable waste form will generally maintain its physical dimensions and its form, under the expected disposal conditions such as weight of overburden and compaction equipment, the presence of moisture, and microbial activity, and internal factors such as radiation effects and chemical changes. Structural stability can be provided by the waste form itself, processing the waste to a stable form, or placing the waste in a disposal container or structure that provides stability after disposal.
- 2) Notwithstanding the provisions in Section 340.3080(a)(3) and (4), liquid wastes, or wastes containing liquid, shall be converted into a form that contains as little free-standing and non-corrosive liquid as is reasonably achievable, but in no case shall the liquid exceed 1% of the volume of the waste when the waste is in a disposal container designed to ensure stability, or 0.5% of the volume of the waste for waste processed to a stable form.
- 3) Void spaces within the waste and between the waste and its package shall be reduced to the extent practicable.

Section 340.3090 Labeling

Each package of waste shall be clearly labeled to identify whether it is Class A, Class B, or Class C waste, in accordance with Section 340.3070.

Section 340.3110 Transfer for Disposal and Manifests

- a) Each shipment of radioactive waste to a licensed land disposal facility shall be accompanied by a shipment manifest that contains the name, address, and telephone number of the person generating the waste, as well as the name, address, and telephone number of the name and U.S. Environmental Protection Agency hazardous waste identification number of the person transporting the waste. The manifest shall also indicate as completely as practicable: a physical description of the waste; the waste volume; radionuclide identity and quantity; the total radioactivity; and the principal chemical form. The solidification agent shall be specified. Wastes containing more than 0.1% chelating agents by weight shall be identified and the weight percentage of the chelating agent shall be estimated. Wastes classified as Class A, Class B, or Class C in Section 340.3070 shall be clearly identified as such in the manifest. The total quantity of the radionuclides H-3, C-14, Tc-99 and I-129 shall be shown.

- b) The manifest required by Section 340.3110(a) may be shipping papers used to meet USDOT or U.S. Environmental Protection Agency regulations (i.e., 40 CFR 262 and 263, revised as of July, 1984, exclusive of subsequent amendments or editions), or requirements of the receiver, provided all the required information is included.
- c) Each manifest shall include a certification by the waste generator that the materials being transported are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the USDOT and the Department. An authorized representative of the waste generator shall sign and date the manifest.
- d) Any licensee or registrant who transfers waste to a land disposal facility or a licensed waste collector shall comply with the following requirements. Any licensee who transfers waste to a licensed waste processor who treats or repackages waste shall comply with the requirements of Section 340.3110(d)(4) through (8). A licensee shall:
 - 1) Prepare all wastes so that the waste is classified according to Section 340.3070 and meets the waste characteristics requirements in Section 340.3080;
 - 2) Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with Section 340.3070;
 - 3) Conduct a quality control program to assure compliance with Sections 340.3070 and 340.3080; the program must include management evaluation of audits;
 - 4) Prepare shipping manifests to meet the requirements of Section 340.3110(a) and (c);
 - 5) Forward a copy of the manifest to the intended recipient at the time of shipment; or, deliver to a collector at the time the waste is collected, obtaining acknowledgement of receipt in the form of a signed copy of the manifest from the collector;
 - 6) Include one copy of the manifest with the shipment;
 - 7) Retain a copy of the manifest with documentation of acknowledgement of receipt as the record of transfer of licensed material as required by this Part;

- 8) For any shipments or any part of a shipment for which acknowledgement of receipt has not been received within the times set forth in Section 340.3110, conduct an investigation in accordance with Section 340.3110(h).
- e) Any waste collector licensee who handles only prepackaged waste shall:
 - 1) Acknowledge receipt of the waste from the generator within one week of receipt by returning a signed copy of the manifest to the generator;
 - 2) Prepare a new manifest to reflect consolidated shipments; the new manifest shall serve as a listing or index for the detailed generator manifests. Copies of the generator manifests shall be a part of the new manifest. The waste collector may prepare a new manifest without attaching the generator manifests, provided the new manifest contains for each package the information specified in Section 340.3110(a). The collector licensee shall certify that nothing has been done to the waste which would invalidate the generator's certification;
 - 3) Forward a copy of the new manifest to the land disposal facility operator at the time of shipment;
 - 4) Include the new manifest with the shipment to the disposal site;
 - 5) Retain a copy of the manifest with documentation of acknowledgement of receipt as the record of transfer of licensed material as required by this Part, and retain information from generator manifests until disposition is authorized by the Department; and
 - 6) For any shipments or any part of a shipment for which acknowledgement of receipt is not received within the times set forth in this section, conduct an investigation in accordance with Section 340.3110(h).
- f) Any licensed waste processor who treats or repackages wastes shall:
 - 1) Acknowledge receipt of the waste from the generator within one week of receipt by returning a signed copy of the manifest to the generator;

- 2) Prepare a new manifest that meets the requirements of Section 340.3110(a), (b), and (c). Preparation of the new manifest reflects that the processor is responsible for the waste;
 - 3) Prepare all wastes so that the waste is classified according to Section 340.3070 and meets the waste characteristics requirement in Section 340.3080;
 - 4) Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with Sections 340.3070 and 340.3090 of this Part;
 - 5) Conduct a quality control program to assure compliance with Sections 340.3070 and 340.3080. This program shall include management evaluation of audits;
 - 6) Forward a copy of the new manifest to the disposal site operator or waste collector at the time of shipment, or deliver to a collector at the time the waste is collected, obtaining acknowledgement of receipt in the form of a signed copy of the manifest by the collector;
 - 7) Include the new manifest with the shipment;
 - 8) Retain copies of original manifests and new manifests with documentation of acknowledgement of receipt as the record of transfer of licensed material as required by this Part; and
 - 9) For any shipment or part of a shipment for which acknowledgement is not received within the times set forth in this section, conduct an investigation in accordance with Section 340.3110(h).
- g) The land disposal facility operator shall:
- 1) Acknowledge receipt of the waste within one week of receipt by returning a signed copy of the manifest to the shipper. The shipper to be notified is the licensee who last possessed the waste and transferred the waste to the operator. The returned copy of the manifest shall indicate any discrepancies between materials listed on the manifest and materials received;
 - 2) Retain a copy of the manifest with documentation of acknowledgement of receipt as the record of transfer of licensed material as required by this Part, and retain

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information from generator manifests until disposition is authorized by the Department; and

- 3) Notify the shipper (i.e., the generator, the collector, or processor) and the Department when any shipment or part of a shipment has not arrived within 60 days after the advance manifest was received.
- h) Any shipment or part of a shipment for which acknowledgement is not received within the times set forth in this section must:
 - 1) Be investigated by the shipper if the shipper has not received notification of receipt within 20 days after transfer; and
 - 2) Be traced and reported. The investigation shall include tracing the shipment and filing a report with the Department. Each licensee who conducts a trace investigation shall file a written report with the Department within 2 weeks of completion of the investigation.

SUBPART D: RECORDS, MONITORING AND DISPOSAL

Section 340.4010 Records of Surveys, Radiation Monitoring, and Disposal

- a) Each licensee or registrant shall maintain personnel monitoring records as described below:
 - 1) Each licensee or registrant shall maintain records showing the radiation exposures of all individuals for whom personnel monitoring is required under Section 340.2020 of this Part, and shall report to the Department at intervals prescribed by the Department, each quarterly radiation dose which exceeds 25% of the limits specified in Section 340.1010(a) for each monitored person, except for persons under 18 years of age, in which case all monthly doses shall be reported on a monthly basis. Such records shall be kept on Form RMA-1/RMA-2 in accordance with the instructions contained on the form, or on clear and legible records containing all the information required by Form RMA-1/RMA-2. The doses entered on the form or records shall be for periods of time not exceeding one calendar quarter and one month respectively. Reports submitted to the Department shall be on Form RMA/RMA-2 or a facsimile approved by the Department.
- b) records of the results of surveys to determine compliance with Section 340.1030(a);
- c) in the absence of personnel monitoring data, records of the results of surveys to determine external radiation dose; and
- d) records of the results of surveys used to evaluate the release of radioactive effluents to the environment.
- e) Records of disposal of licensed material made pursuant to Section 340.3020, 340.3030, 340.3040, 340.3050, 340.3060 and 32 Ill. Adm. Code 601 are to be maintained until the Department authorizes their disposition.
- f) Records which must be maintained pursuant to this Part may be the original or either a high quality copy or microform provided that such reproduced copy or microform is duly authenticated by authorized personnel and the microform is capable of producing a legible copy after storage for the

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- 2) No licensee or registrant shall subtract radiation exposures from official personnel monitoring records without the prior approval of the Department.

- b) Each licensee or registrant shall maintain records in the same units used in this Part, showing the results of surveys required by Section 340.2010, monitoring required by Sections 340.2070(b) and (c), and disposals made under Sections 340.3020, 340.3030, 340.3040 and 32 Ill. Adm. Code 601.

- c) Each licensee or registrant shall maintain records as described below:
 - 1) Records of individual exposure to radiation and to radioactive material which must be maintained pursuant to the provisions of Section 340.4010(a) and records of bioassays, including results of whole body counting examinations, made pursuant to Section 340.1070 shall be preserved until the Department authorizes their disposition.
 - 2) Records of the results of surveys and monitoring which must be maintained pursuant to Section 340.4010(b) shall be preserved for 2 years after completion of the survey except that the following records shall be maintained until the Department authorizes their disposition:
 - A) records of the results of surveys to determine compliance with Section 340.1030(a);
 - B) in the absence of personnel monitoring data, records of the results of surveys to determine external radiation dose; and
 - C) records of the results of surveys used to evaluate the release of radioactive effluents to the environment.
 - 3) Records of disposal of licensed material made pursuant to Section 340.3020, 340.3030, 340.3040, 340.3050, 340.3060 and 32 Ill. Adm. Code 601 are to be maintained until the Department authorizes their disposition.
 - 4) Records which must be maintained pursuant to this Part may be the original or either a high quality copy or microform provided that such reproduced copy or microform is duly authenticated by authorized personnel and the microform is capable of producing a legible copy after storage for the

period specified by 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

- 5) If there is a conflict between the Department's regulations in this Part, license condition, or other written Department approval or authorization pertaining to the retention period for the same type of record, the retention period specified in the regulations in this Part for such records shall apply unless the Department, pursuant to 32 Ill. Adm. Code 310.30(a), has granted a specific exemption from the record retention requirements specified in the regulations in this Part.

- d) The discontinuance of, or curtailment of, activities does not relieve the licensee or registrant of responsibility for retaining all records required by Section 340.4010. A licensee or registrant may, however, request the Department to accept such records. The acceptance of the records by the Department relieves the licensee or registrant of subsequent responsibility only in respect to their preservation as required in Section 340.4010.

Section 340.4020 Reports of Theft or Loss of Sources of Radiation

Each licensee or registrant shall report to the Department by telephone and telegraph the theft or loss of any source of radiation immediately after such occurrence becomes known.

Section 340.4030 Notification of Incidents

- a) Immediate Notification. Each licensee or registrant shall immediately notify the Department by telephone and telegraph of any incident involving any source of radiation possessed by him and which may have caused or threatens to cause:

- 1) a dose to the whole body of any individual of 25 rems (250 mSv) or more of radiation; a dose to the skin of the whole body of any individual of 150 rems (1.50 Sv) or more of radiation; or a dose to the feet, ankles, hands, or forearms of any individual of 375 rems (3.75 Sv) or more of radiation; or
- 2) the release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 5,000 times the limits specified for such materials in Appendix A, Table II of this Part; or

- 3) a loss of 1 working week or more of the operation of any facilities affected; or

- 4) damage to property in excess of \$200,000.

- b) Twenty-four Hour Notification. Each licensee or registrant shall within 24 hours notify the Department by telephone and telegraph of any incident involving any source of radiation possessed by him and which may have caused or threatens to cause:

- 1) a dose to the whole body of any individual of 5 rems (50 mSv) or more of radiation; a dose to the skin of the whole body of any individual of 30 rems (300 mSv) or more of radiation; or a dose to the feet, ankles, hands, or forearms of 75 rems (750 mSv) or more of radiation; or

- 2) the release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 500 times the limits specified for such materials in Appendix A, Table II of this Part; or

- 3) a loss of 1 day or more of the operation of any facilities affected; or

- 4) damage to property in excess of \$2,000.

- c) In addition to the Immediate Notification and Twenty-Four Hour Notification required by subsections (a) and (b), each licensee or registrant shall file a written report with the Department in accordance with Section 340.4050.

Section 340.4050 Reports of Overexposures and Excessive Levels and Concentrations

- a) In addition to any notification required by Section 340.4030, each licensee or registrant shall make a report in writing within 30 days to the Department of:

- 1) each exposure of an individual to radiation in excess of the applicable standards in Sections 340.1010, 340.1040(a), or the license;
- 2) each exposure of an individual to radioactive material in excess of the applicable limits in Sections 340.1030(a)(1), 340.1030(a) (2), 340.1040(b) or the license.

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- 3) Levels of radiation or concentrations of radioactive material in a restricted area in excess of any other applicable limit in the license;
- 4) any incident for which notification is required by Section 340.4030; and
- 5) levels of radiation or concentrations of radioactive material, whether or not involving excessive exposure of any individual, in an unrestricted area in excess of 10 times any applicable limit set forth in this Part or in the license.
- b) Each report required under Section 340.4050(a) shall describe the extent of exposure of individuals to radiation or to radioactive material, including estimates of each individual's exposure as required by Section 340.4050(c); levels of radiation and concentrations of radioactive material involved; the cause of the exposure, levels, or concentrations; and corrective steps taken or planned to assure against a recurrence.
- c) Any report filed with the Department pursuant to Section 340.4050 shall include for each individual exposed the name, social security number, and date of birth, and an estimate of the individual's dose. The report shall be prepared so that this information is stated in a separate part of the report.

Section 340.4070 Vacating Premises

Each specific licensee or registrant shall, no less than 30 days before vacating or relinquishing possession or control of premises which may have been contaminated with radioactive material as a result of his activities, notify the Department in writing of intent to vacate. When deemed necessary by the Department, the licensee shall decontaminate the premises in such a manner as the Department may specify.

Section 340.4030 Notifications and Reports to Individuals

- a) Requirements for notification and reports to individuals of exposure to radiation of radioactive material are specified in 32 Ill. Adm. Code 400.130.
- b) When a licensee or registrant is required pursuant to Section 340.4050 to report to the Department any exposure of an individual to radiation or radioactive material, the licensee or registrant shall also notify the individual. Such notice shall be transmitted

at a time not later than the transmittal to the Department, and shall comply with the provisions of 32 Ill. Adm. Code 400.130(a).

Section 340.4090 Removal of Radioactive Contamination

- a) Notwithstanding any exemptions contained in this Part, any person who uses, possesses, or stores radioactive material in such a manner as to cause uncontrolled contamination of any area shall, upon order of the Department, remove or provide for the removal of such contaminants at his own expense through the use of an authorized transferee and shall decontaminate the installation to the lowest practicable level. The values specified in Appendix C, of this Part, may be used as guidelines for this purpose. These values, however, may be modified at specific installations at the discretion of the Director.
- b) In the event that a person fails to comply with the provisions of subparagraph (a) of this Section, the Department may seize and remove the radioactive contaminant and, if necessary, decontaminate the installation to the values specified in Appendix C, of this Part, and shall be reimbursed for the expense thereof by the person failing to comply with the provisions of subparagraph (a) of this Section. If such person is a corporation, the officers and agents who knowingly permit the corporation to violate the provisions of subparagraph (a) of this Section shall be responsible for such exposure.

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SECTION 340.APPENDIX A

Concentration in Air and Water Above Natural Background

Element (atomic number)	Isotope ¹	Table I			Table II		
		Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)
Actinium (89)	Ac-227 S	2X10 ⁻¹²	6X10 ⁻⁵	8X10 ⁻¹⁴	2X10 ⁻⁶		
		3X10 ⁻¹¹	9X10 ⁻³	9X10 ⁻¹³	3X10 ⁻⁵		
	Ac-228 S	8X10 ⁻⁸	3X10 ⁻³	3X10 ⁻⁹	9X10 ⁻⁵		
Americium (95)		2X10 ⁻⁸		6X10 ⁻¹⁰			
	Am-241 S	6X10 ⁻¹²	1X10 ⁻⁴	2X10 ⁻¹²	4X10 ⁻⁶		
		1X10 ⁻¹¹	8X10 ⁻⁴	2X10 ⁻¹³	4X10 ⁻⁶		
	Am-242m S	1X10 ⁻¹⁰	1X10 ⁻³	2X10 ⁻¹³	4X10 ⁻⁶		
		3X10 ⁻⁸	3X10 ⁻³	9X10 ⁻¹²	9X10 ⁻⁵		
	Am-242 S	4X10 ⁻⁸	4X10 ⁻³	1X10 ⁻⁹	1X10 ⁻⁴		
		5X10 ⁻⁸	4X10 ⁻³	2X10 ⁻⁹	1X10 ⁻⁴		
	Am-243 S	6X10 ⁻¹²	1X10 ⁻⁴	2X10 ⁻¹³	4X10 ⁻⁶		
		6X10 ⁻¹⁰	1X10 ⁻⁴	2X10 ⁻¹²	4X10 ⁻⁵		
	Am-244 S	1X10 ⁻⁶	8X10 ⁻¹	4X10 ⁻¹²	3X10 ⁻⁵		
Antimony (51)		4X10 ⁻⁵	1X10 ⁻¹	1X10 ⁻⁷	5X10 ⁻³		
		2X10 ⁻⁵	1X10 ⁻¹	8X10 ⁻⁷	5X10 ⁻³		
	Sb-122 S	2X10 ⁻⁷	8X10 ⁻⁴	6X10 ⁻⁹	3X10 ⁻⁵		
		1X10 ⁻⁷	8X10 ⁻⁴	5X10 ⁻⁹	3X10 ⁻⁵		
	Sb-124 S	2X10 ⁻⁷	7X10 ⁻⁴	5X10 ⁻⁹	2X10 ⁻⁵		
		2X10 ⁻⁸	7X10 ⁻⁴	7X10 ⁻¹⁰	2X10 ⁻⁵		
	Sb-125 S	5X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁸	2X10 ⁻⁴		
		5X10 ⁻⁸	3X10 ⁻³	2X10 ⁻⁸	1X10 ⁻⁴		
		3X10 ⁻⁸	3X10 ⁻³	9X10 ⁻¹⁰	1X10 ⁻⁴		
	Ar-37 Sub ²	6X10 ⁻³	-----	1X10 ⁻⁴	-----		
Argon (18)	Ar-41 Sub	2X10 ⁻⁶	-----	4X10 ⁻⁸	-----		
Arsenic (33)		2X10 ⁻⁶	1X10 ⁻²	7X10 ⁻⁸	5X10 ⁻⁴		
	As-73 S	4X10 ⁻⁷	1X10 ⁻²	1X10 ⁻⁸	5X10 ⁻⁴		
		3X10 ⁻⁷	2X10 ⁻³	1X10 ⁻⁸	5X10 ⁻⁵		
	As-74 S	1X10 ⁻⁷	2X10 ⁻³	4X10 ⁻⁹	5X10 ⁻⁵		
		1X10 ⁻⁷	2X10 ⁻³	4X10 ⁻⁹	5X10 ⁻⁵		
	As-76 S	1X10 ⁻⁷	6X10 ⁻⁴	4X10 ⁻⁹	2X10 ⁻⁵		
		1X10 ⁻⁷	6X10 ⁻⁴	3X10 ⁻⁹	2X10 ⁻⁵		
	As-77 S	5X10 ⁻⁷	2X10 ⁻³	2X10 ⁻⁸	8X10 ⁻⁵		

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Element (atomic number)	Isotope ¹	Table I		Table II	
		Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)
Astatine (85)	At-211 S	7X10 ⁻⁹	5X10 ⁻⁵	2X10 ⁻¹⁰	2X10 ⁻⁶
		3X10 ⁻⁸	2X10 ⁻³	1X10 ⁻⁹	7X10 ⁻⁵
Barium (56)	Ba-131 S	1X10 ⁻⁶	5X10 ⁻³	4X10 ⁻⁸	2X10 ⁻⁴
		4X10 ⁻⁷	5X10 ⁻³	1X10 ⁻⁸	2X10 ⁻⁴
	Ba-140 S	1X10 ⁻⁷	8X10 ⁻⁴	4X10 ⁻⁹	3X10 ⁻⁵
		4X10 ⁻⁸	7X10 ⁻⁴	1X10 ⁻⁹	2X10 ⁻⁵
Berkelium (97)	Bk-249 S	9X10 ⁻¹⁰	2X10 ⁻²	3X10 ⁻¹¹	6X10 ⁻⁴
		1X10 ⁻⁷	2X10 ⁻²	4X10 ⁻⁹	6X10 ⁻⁴
	Bk-250 S	1X10 ⁻⁷	6X10 ⁻³	5X10 ⁻⁹	2X10 ⁻⁴
		1X10 ⁻⁶	6X10 ⁻³	4X10 ⁻⁸	2X10 ⁻⁴
Beryllium (4)	Be-7 S	6X10 ⁻⁶	5X10 ⁻²	2X10 ⁻⁷	2X10 ⁻³
		1X10 ⁻⁶	5X10 ⁻²	4X10 ⁻⁸	2X10 ⁻³
Bismuth (83)	Bi-206 S	2X10 ⁻⁷	1X10 ⁻³	6X10 ⁻⁹	4X10 ⁻⁵
		1X10 ⁻⁷	1X10 ⁻³	5X10 ⁻⁹	4X10 ⁻⁵
	Bi-207 S	2X10 ⁻⁸	2X10 ⁻³	6X10 ⁻¹⁰	6X10 ⁻⁵
		1X10 ⁻⁸	2X10 ⁻³	5X10 ⁻¹⁰	6X10 ⁻⁵
	Bi-210 S	6X10 ⁻⁹	1X10 ⁻³	2X10 ⁻¹⁰	4X10 ⁻⁵
		6X10 ⁻⁹	1X10 ⁻³	2X10 ⁻¹⁰	4X10 ⁻⁵
	Bi-212 S	1X10 ⁻⁷	1X10 ⁻²	3X10 ⁻⁹	4X10 ⁻⁴
		2X10 ⁻⁷	1X10 ⁻²	7X10 ⁻⁹	4X10 ⁻⁴
Bromine (35)	Br-82 S	1X10 ⁻⁶	8X10 ⁻³	4X10 ⁻⁸	3X10 ⁻⁴
		2X10 ⁻⁷	1X10 ⁻³	6X10 ⁻⁹	4X10 ⁻⁵
Cadmium (48)	Cd-109 S	5X10 ⁻⁸	5X10 ⁻³	2X10 ⁻⁹	2X10 ⁻⁴
		7X10 ⁻⁸	5X10 ⁻³	3X10 ⁻⁹	2X10 ⁻⁴
	Cd-115m S	4X10 ⁻⁸	7X10 ⁻⁴	1X10 ⁻⁹	3X10 ⁻⁵
		4X10 ⁻⁸	7X10 ⁻⁴	1X10 ⁻⁹	3X10 ⁻⁵
	Cd-115 S	2X10 ⁻⁷	1X10 ⁻³	8X10 ⁻⁹	3X10 ⁻⁵
		2X10 ⁻⁷	1X10 ⁻³	6X10 ⁻⁹	4X10 ⁻⁵
Calcium (20)	Ca-45 S	3X10 ⁻⁸	3X10 ⁻⁴	1X10 ⁻⁹	9X10 ⁻⁶
		1X10 ⁻⁷	5X10 ⁻³	4X10 ⁻⁹	2X10 ⁻⁴
	Ca-47 S	2X10 ⁻⁷	1X10 ⁻³	6X10 ⁻⁹	5X10 ⁻⁵
		2X10 ⁻⁷	1X10 ⁻³	6X10 ⁻⁹	5X10 ⁻⁵

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Element (atomic number)	Isotope	Table I			Table II		
		Column 1 (uCi/ml)	Column 2 (uCi/ml)	Water (uCi/ml)	Column 1 (uCi/ml)	Air (uCi/ml)	Column 2 (uCi/ml)
Californium (98)	Cf-249	S	2X10 ⁻¹²	1X10 ⁻⁴	5X10 ⁻¹⁴	4X10 ⁻⁵	
		I	1X10 ⁻¹⁰	7X10 ⁻⁴	3X10 ⁻¹²	2X10 ⁻⁵	
	Cf-250	S	1X10 ⁻¹²	4X10 ⁻⁴	2X10 ⁻¹³	1X10 ⁻⁵	
		I	1X10 ⁻¹⁰	7X10 ⁻⁴	3X10 ⁻¹²	2X10 ⁻⁵	
	Cf-251	S	2X10 ⁻¹²	1X10 ⁻⁴	5X10 ⁻¹⁴	4X10 ⁻⁵	
		I	1X10 ⁻¹⁰	7X10 ⁻⁴	3X10 ⁻¹²	2X10 ⁻⁵	
	Cf-252	S	6X10 ⁻¹²	2X10 ⁻⁴	3X10 ⁻¹³	7X10 ⁻⁶	
		I	3X10 ⁻¹⁰	2X10 ⁻³	1X10 ⁻¹¹	7X10 ⁻⁴	
	Cf-253	S	8X10 ⁻¹⁰	4X10 ⁻³	3X10 ⁻¹¹	1X10 ⁻⁴	
		I	5X10 ⁻¹²	4X10 ⁻⁶	2X10 ⁻¹³	1X10 ⁻⁷	
Carbon (6)	C-14	S	4X10 ⁻⁶	2X10 ⁻²	1X10 ⁻⁷	8X10 ⁻⁴	
	(Co ²) Sub ²		5X10 ⁻⁵	-----	1X10 ⁻⁶	-----	
Cerium (58)	Ce-141	S	4X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁸	9X10 ⁻⁵	
		I	2X10 ⁻⁷	3X10 ⁻³	5X10 ⁻⁹	9X10 ⁻⁵	
	Ce-143	S	3X10 ⁻⁷	1X10 ⁻³	9X10 ⁻⁹	4X10 ⁻⁵	
		I	2X10 ⁻⁸	3X10 ⁻⁴	7X10 ⁻¹⁰	4X10 ⁻⁵	
	Ce-144	S	1X10 ⁻⁸	3X10 ⁻⁴	3X10 ⁻¹⁰	1X10 ⁻⁵	
		I	6X10 ⁻⁹	3X10 ⁻⁴	2X10 ⁻¹⁰	1X10 ⁻⁵	
Cesium (55)	Cs-131	S	1X10 ⁻⁵	7X10 ⁻²	4X10 ⁻⁷	2X10 ⁻³	
		I	1X10 ⁻⁶	5X10 ⁻²	1X10 ⁻⁷	9X10 ⁻³	
	Cs-134m	S	4X10 ⁻⁵	2X10 ⁻¹	1X10 ⁻⁶	6X10 ⁻³	
		I	6X10 ⁻⁶	3X10 ⁻²	2X10 ⁻⁷	1X10 ⁻³	
	Cs-134	S	4X10 ⁻⁸	3X10 ⁻⁴	1X10 ⁻⁹	9X10 ⁻⁶	
		I	1X10 ⁻⁷	1X10 ⁻³	4X10 ⁻⁸	1X10 ⁻⁴	
	Cs-135	S	5X10 ⁻⁸	3X10 ⁻³	2X10 ⁻⁹	1X10 ⁻⁴	
		I	9X10 ⁻⁷	7X10 ⁻³	3X10 ⁻⁸	2X10 ⁻⁴	
	Cs-136	S	4X10 ⁻⁷	2X10 ⁻³	1X10 ⁻⁸	9X10 ⁻⁵	
		I	2X10 ⁻⁸	4X10 ⁻⁴	6X10 ⁻⁹	6X10 ⁻⁵	
	Cs-137	S	6X10 ⁻⁸	4X10 ⁻³	2X10 ⁻⁹	2X10 ⁻⁵	
		I	1X10 ⁻⁷	1X10 ⁻³	5X10 ⁻¹⁰	4X10 ⁻⁵	
Chlorine (17)	Cl-36	S	4X10 ⁻⁷	2X10 ⁻³	1X10 ⁻⁸	8X10 ⁻⁵	
		I	2X10 ⁻⁸	2X10 ⁻³	8X10 ⁻⁸	6X10 ⁻⁴	
	Cl-38	S	3X10 ⁻⁶	1X10 ⁻²	9X10 ⁻⁸	4X10 ⁻⁴	
		I	2X10 ⁻⁶	1X10 ⁻²	7X10 ⁻⁸	4X10 ⁻⁴	

Element (atomic number)	Isotope	Table I			Table II		
		Column 1 (uCi/ml)	Column 2 (uCi/ml)	Water (uCi/ml)	Column 1 (uCi/ml)	Air (uCi/ml)	Column 2 (uCi/ml)
Chromium (24)	Cr-51	S	1X10 ⁻⁵	5X10 ⁻²	4X10 ⁻⁷	2X10 ⁻³	
		I	2X10 ⁻⁶	5X10 ⁻²	8X10 ⁻⁸	2X10 ⁻³	
Cobalt (27)	Co-57	S	3X10 ⁻⁶	2X10 ⁻²	1X10 ⁻⁷	5X10 ⁻⁴	
		I	2X10 ⁻⁷	1X10 ⁻²	6X10 ⁻⁹	4X10 ⁻⁴	
	Co-58m	S	2X10 ⁻⁵	1X10 ⁻²	6X10 ⁻⁷	3X10 ⁻³	
		I	9X10 ⁻⁶	6X10 ⁻²	3X10 ⁻⁷	2X10 ⁻³	
	Co-58	S	8X10 ⁻⁸	4X10 ⁻³	3X10 ⁻⁸	1X10 ⁻⁴	
		I	5X10 ⁻⁸	3X10 ⁻³	2X10 ⁻⁹	9X10 ⁻⁵	
	Co-60	S	3X10 ⁻⁷	1X10 ⁻³	1X10 ⁻⁸	5X10 ⁻⁵	
		I	9X10 ⁻⁹	1X10 ⁻³	3X10 ⁻¹⁰	3X10 ⁻⁵	
Copper (29)	Cu-64	S	2X10 ⁻⁶	1X10 ⁻²	7X10 ⁻⁸	3X10 ⁻⁴	
		I	1X10 ⁻⁶	6X10 ⁻³	4X10 ⁻⁸	2X10 ⁻⁴	
Curium (96)	Cm-242	S	1X10 ⁻¹⁰	7X10 ⁻⁴	4X10 ⁻¹²	2X10 ⁻⁵	
		I	2X10 ⁻¹⁰	7X10 ⁻⁴	6X10 ⁻¹³	2X10 ⁻⁵	
	Cm-243	S	6X10 ⁻¹⁰	1X10 ⁻⁴	2X10 ⁻¹²	5X10 ⁻⁵	
		I	1X10 ⁻¹⁰	7X10 ⁻⁴	3X10 ⁻¹³	2X10 ⁻⁵	
	Cm-244	S	9X10 ⁻¹²	2X10 ⁻⁴	3X10 ⁻¹²	7X10 ⁻⁶	
		I	1X10 ⁻¹⁰	8X10 ⁻⁴	3X10 ⁻¹³	3X10 ⁻⁵	
Curium (96)	Cm-245	S	5X10 ⁻¹²	1X10 ⁻⁴	2X10 ⁻¹²	4X10 ⁻⁶	
		I	1X10 ⁻¹⁰	8X10 ⁻⁴	4X10 ⁻¹³	3X10 ⁻⁵	
	Cm-246	S	5X10 ⁻¹⁰	1X10 ⁻⁴	2X10 ⁻¹²	4X10 ⁻⁶	
		I	1X10 ⁻¹⁰	8X10 ⁻⁴	4X10 ⁻¹³	3X10 ⁻⁵	
	Cm-247	S	5X10 ⁻¹⁰	1X10 ⁻⁴	2X10 ⁻¹²	4X10 ⁻⁶	
		I	1X10 ⁻¹⁰	6X10 ⁻⁴	4X10 ⁻¹⁴	2X10 ⁻⁷	
Curium (96)	Cm-248	S	6X10 ⁻¹³	1X10 ⁻⁵	2X10 ⁻¹⁴	4X10 ⁻⁶	
		I	1X10 ⁻¹¹	4X10 ⁻⁵	4X10 ⁻¹³	1X10 ⁻⁶	
	Cm-249	S	1X10 ⁻⁵	6X10 ⁻²	4X10 ⁻⁷	2X10 ⁻³	
		I	1X10 ⁻⁵	6X10 ⁻²	4X10 ⁻⁷	2X10 ⁻³	
Dysprosium (66)	Dy-165	S	3X10 ⁻⁶	1X10 ⁻²	9X10 ⁻⁸	4X10 ⁻⁴	
		I	2X10 ⁻⁷	1X10 ⁻³	7X10 ⁻⁹	4X10 ⁻⁵	
	Dy-166	S	2X10 ⁻⁷	1X10 ⁻³	8X10 ⁻⁹	4X10 ⁻⁵	
Einsteinium (99)	Es-253	S	8X10 ⁻¹⁰	7X10 ⁻⁴	3X10 ⁻¹¹	2X10 ⁻⁵	
		I	6X10 ⁻¹⁰	7X10 ⁻⁴	2X10 ⁻¹¹	2X10 ⁻⁵	

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Element (atomic number)	Isotope ¹	Table I			Table II		
		Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)
Erbium (68)	Es-254m S	5X10 ⁻⁹	5X10 ⁻⁴	2X10 ⁻¹⁰	2X10 ⁻⁵	2X10 ⁻¹⁰	2X10 ⁻⁵
	Es-254 I	6X10 ⁻⁹	5X10 ⁻⁴	2X10 ⁻¹⁰	2X10 ⁻⁵	2X10 ⁻¹⁰	2X10 ⁻⁵
	Es-254 S	2X10 ⁻¹¹	4X10 ⁻⁴	6X10 ⁻¹³	1X10 ⁻⁵	6X10 ⁻¹³	1X10 ⁻⁵
	Es-255 I	1X10 ⁻¹⁰	4X10 ⁻⁴	4X10 ⁻¹²	1X10 ⁻⁵	4X10 ⁻¹²	1X10 ⁻⁵
	Es-255 S	5X10 ⁻¹⁰	8X10 ⁻⁴	2X10 ⁻¹¹	3X10 ⁻⁵	2X10 ⁻¹¹	3X10 ⁻⁵
Europium (63)	Er-169 S	6X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁸	9X10 ⁻⁵	2X10 ⁻⁸	9X10 ⁻⁵
	Er-171 S	4X10 ⁻⁷	3X10 ⁻³	1X10 ⁻⁸	9X10 ⁻⁵	1X10 ⁻⁸	9X10 ⁻⁵
	Er-171 S	7X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁸	1X10 ⁻⁴	2X10 ⁻⁸	1X10 ⁻⁴
	Er-152 S	4X10 ⁻⁷	2X10 ⁻³	1X10 ⁻⁸	6X10 ⁻⁵	1X10 ⁻⁸	6X10 ⁻⁵
	Er-152 S (T = 13 yrs)	2X10 ⁻⁸	2X10 ⁻³	1X10 ⁻¹⁰	8X10 ⁻⁵	1X10 ⁻¹⁰	8X10 ⁻⁵
Fermium (100)	Fm-254 I	6X10 ⁻⁸	4X10 ⁻³	2X10 ⁻⁹	1X10 ⁻⁴	2X10 ⁻⁹	1X10 ⁻⁴
	Fm-255 S	2X10 ⁻⁸	4X10 ⁻³	2X10 ⁻⁹	1X10 ⁻⁴	2X10 ⁻⁹	1X10 ⁻⁴
	Fm-256 S	1X10 ⁻⁸	1X10 ⁻³	6X10 ⁻¹⁰	3X10 ⁻⁵	6X10 ⁻¹⁰	3X10 ⁻⁵
	F-18 S	5X10 ⁻⁶	2X10 ⁻²	2X10 ⁻⁷	8X10 ⁻⁴	2X10 ⁻⁷	8X10 ⁻⁴
	F-18 I	3X10 ⁻⁶	1X10 ⁻²	9X10 ⁻⁸	5X10 ⁻⁴	9X10 ⁻⁸	5X10 ⁻⁴
Gadolinium (64)	Gd-153 S	2X10 ⁻⁸	6X10 ⁻³	8X10 ⁻⁹	2X10 ⁻⁴	8X10 ⁻⁹	2X10 ⁻⁴
	Gd-159 S	5X10 ⁻⁷	2X10 ⁻³	2X10 ⁻⁸	2X10 ⁻⁵	2X10 ⁻⁸	2X10 ⁻⁵
	Gd-159 I	4X10 ⁻⁷	2X10 ⁻³	1X10 ⁻⁸	8X10 ⁻⁵	1X10 ⁻⁸	8X10 ⁻⁵
	Ga-72 S	2X10 ⁻⁷	1X10 ⁻³	8X10 ⁻⁹	4X10 ⁻⁵	8X10 ⁻⁹	4X10 ⁻⁵
	Ga-72 I	2X10 ⁻⁷	1X10 ⁻³	6X10 ⁻⁹	4X10 ⁻⁵	6X10 ⁻⁹	4X10 ⁻⁵

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Element (atomic number)	Isotope ¹	Table I			Table II		
		Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)
Germanium (32)	Ge-68 S	4X10 ⁻⁸	2X10 ⁻²	1X10 ⁻⁷	8X10 ⁻⁴	1X10 ⁻⁷	8X10 ⁻⁴
	Ge-71 S	1X10 ⁻⁵	5X10 ⁻²	5X10 ⁻⁷	2X10 ⁻³	5X10 ⁻⁷	2X10 ⁻³
	Ge-71 I	6X10 ⁻⁶	5X10 ⁻²	2X10 ⁻⁷	2X10 ⁻³	4X10 ⁻⁷	2X10 ⁻³
	Au-195 S	3X10 ⁻⁶	4X10 ⁻²	3X10 ⁻⁷	1X10 ⁻³	3X10 ⁻⁷	1X10 ⁻³
	Au-196 S	1X10 ⁻⁶	5X10 ⁻³	4X10 ⁻⁸	2X10 ⁻⁴	2X10 ⁻⁹	2X10 ⁻⁴
Gold (79)	Au-198 S	3X10 ⁻⁷	2X10 ⁻³	1X10 ⁻⁸	5X10 ⁻⁵	4X10 ⁻⁸	2X10 ⁻⁴
	Au-199 S	1X10 ⁻⁶	5X10 ⁻³	1X10 ⁻⁷	5X10 ⁻⁴	1X10 ⁻⁸	2X10 ⁻⁴
	Au-199 I	6X10 ⁻⁷	4X10 ⁻³	6X10 ⁻⁷	4X10 ⁻³	3X10 ⁻⁸	2X10 ⁻⁴
	Hf-181 S	4X10 ⁻⁸	2X10 ⁻³	1X10 ⁻⁹	7X10 ⁻⁵	1X10 ⁻⁹	7X10 ⁻⁵
	Hf-181 I	7X10 ⁻⁸	2X10 ⁻³	3X10 ⁻⁹	7X10 ⁻⁵	3X10 ⁻⁹	7X10 ⁻⁵
Holmium (67)	Ho-166 S	2X10 ⁻⁷	9X10 ⁻⁴	7X10 ⁻⁹	3X10 ⁻⁵	7X10 ⁻⁹	3X10 ⁻⁵
	Ho-166 I	2X10 ⁻⁷	9X10 ⁻⁴	6X10 ⁻⁹	3X10 ⁻⁵	6X10 ⁻⁹	3X10 ⁻⁵
	H-3 S	5X10 ⁻⁶	1X10 ⁻¹	2X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁷	3X10 ⁻³
	H-3 I	5X10 ⁻⁶	1X10 ⁻¹	2X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁷	3X10 ⁻³
	Sub	2X10 ⁻⁶		4X10 ⁻⁷		4X10 ⁻⁷	
Indium (49)	In-113m S	8X10 ⁻⁶	4X10 ⁻²	3X10 ⁻⁷	1X10 ⁻³	3X10 ⁻⁷	1X10 ⁻³
	In-114m S	7X10 ⁻⁷	4X10 ⁻⁴	2X10 ⁻⁷	1X10 ⁻³	2X10 ⁻⁷	1X10 ⁻³
	In-114m S	1X10 ⁻⁸	5X10 ⁻⁴	4X10 ⁻¹⁰	2X10 ⁻⁵	4X10 ⁻¹⁰	2X10 ⁻⁵
	In-115m S	2X10 ⁻⁶	1X10 ⁻²	7X10 ⁻⁸	4X10 ⁻⁴	7X10 ⁻⁸	4X10 ⁻⁴
	In-115 S	2X10 ⁻⁷	3X10 ⁻³	6X10 ⁻⁸	4X10 ⁻⁴	6X10 ⁻⁸	4X10 ⁻⁴
Iodine (53)	I-125 S	5X10 ⁻⁹	4X10 ⁻⁵	8X10 ⁻¹¹	2X10 ⁻⁷	8X10 ⁻¹¹	2X10 ⁻⁷
	I-126 S	2X10 ⁻⁹	6X10 ⁻⁵	6X10 ⁻⁹	2X10 ⁻⁴	6X10 ⁻⁹	2X10 ⁻⁴
	I-126 S	8X10 ⁻⁹	5X10 ⁻⁵	9X10 ⁻¹¹	3X10 ⁻⁷	9X10 ⁻¹¹	3X10 ⁻⁷
	I-129 S	3X10 ⁻⁷	3X10 ⁻³	1X10 ⁻⁸	9X10 ⁻⁵	1X10 ⁻⁸	9X10 ⁻⁵
	I-129 I	2X10 ⁻⁸	1X10 ⁻³	2X10 ⁻⁹	6X10 ⁻⁵	2X10 ⁻⁹	6X10 ⁻⁵
Iodine (53)	I-131 S	9X10 ⁻⁹	6X10 ⁻⁵	1X10 ⁻¹⁰	3X10 ⁻⁷	1X10 ⁻¹⁰	3X10 ⁻⁷

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Element (atomic number)	Isotope	Table I		Isotope	Element (atomic number)	Table I		Isotope	Element (atomic number)	Table II	
		Air (uCi/ml)	Water (uCi/ml)			Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)			Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)
Iridium (77)	I-130	I	3X10 ⁻⁷	3X10 ⁻³	Manganese (25)	Mn-52	S	2X10 ⁻⁷	1X10 ⁻⁴	7X10 ⁻⁹	3X10 ⁻⁵
	I-131	S	2X10 ⁻⁷	2X10 ⁻³		Mn-54	S	1X10 ⁻⁷	9X10 ⁻³	5X10 ⁻⁹	3X10 ⁻⁵
	I-133	I	9X10 ⁻⁸	5X10 ⁻⁴		Mn-56	S	4X10 ⁻⁸	4X10 ⁻³	1X10 ⁻⁹	1X10 ⁻⁴
	I-134	S	3X10 ⁻⁷	2X10 ⁻³		Mn-56	S	8X10 ⁻⁷	4X10 ⁻³	3X10 ⁻⁸	1X10 ⁻⁴
	I-135	I	2X10 ⁻⁷	1X10 ⁻³		Hg-197m	S	5X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁸	1X10 ⁻⁴
	I-135	S	5X10 ⁻⁶	4X10 ⁻²	Mercury (80)	Hg-197	S	7X10 ⁻⁷	6X10 ⁻³	3X10 ⁻⁸	2X10 ⁻⁴
Iron (26)	Fe-55	S	1X10 ⁻⁶	6X10 ⁻³		Hg-197	S	8X10 ⁻⁶	5X10 ⁻³	3X10 ⁻⁸	2X10 ⁻⁴
	Fe-59	S	4X10 ⁻⁷	5X10 ⁻³		Hg-203	S	1X10 ⁻⁶	9X10 ⁻²	4X10 ⁻⁸	3X10 ⁻⁴
	Kr-85m Sub	I	1X10 ⁻⁷	1X10 ⁻³		Mo-99	S	3X10 ⁻⁷	5X10 ⁻³	3X10 ⁻⁸	2X10 ⁻⁵
	Kr-85 Sub	I	1X10 ⁻⁷	1X10 ⁻³		Mo-99	I	2X10 ⁻⁷	1X10 ⁻³	7X10 ⁻⁹	4X10 ⁻⁵
	Kr-87 Sub	I	3X10 ⁻⁷	1X10 ⁻³	Neodymium (60)	Nd-144	S	8X10 ⁻¹¹	2X10 ⁻³	3X10 ⁻¹²	7X10 ⁻⁵
	Kr-88 Sub	I	2X10 ⁻⁷	9X10 ⁻⁴		Nd-147	S	3X10 ⁻¹⁰	2X10 ⁻³	1X10 ⁻¹¹	8X10 ⁻⁵
Krypton (36)	Kr-85m Sub	I	1X10 ⁻⁷	2X10 ⁻²		Nd-147	S	4X10 ⁻⁷	2X10 ⁻³	1X10 ⁻⁹	6X10 ⁻⁵
	Kr-85 Sub	I	1X10 ⁻⁶	7X10 ⁻²		Nd-149	S	2X10 ⁻⁶	8X10 ⁻³	6X10 ⁻⁸	3X10 ⁻⁴
	Kr-87 Sub	I	1X10 ⁻⁷	2X10 ⁻³	Neptunium (93)	Np-237	S	4X10 ⁻¹²	9X10 ⁻⁵	1X10 ⁻¹³	3X10 ⁻⁶
	Kr-88 Sub	I	5X10 ⁻⁸	2X10 ⁻³		Np-239	S	1X10 ⁻⁷	9X10 ⁻⁴	4X10 ⁻⁸	3X10 ⁻⁴
	La-140	S	6X10 ⁻⁶	-----		Np-239	I	8X10 ⁻⁷	4X10 ⁻³	2X10 ⁻⁸	1X10 ⁻⁴
	La-140	I	1X10 ⁻⁶	-----	Nickel (28)	Ni-55	S	5X10 ⁻⁷	6X10 ⁻³	2X10 ⁻⁹	2X10 ⁻²
Lanthanum (57)	Pb-203	S	1X10 ⁻⁶	1X10 ⁻²		Ni-63	S	8X10 ⁻⁸	6X10 ⁻²	3X10 ⁻⁸	2X10 ⁻⁵
	Pb-210	S	2X10 ⁻⁶	1X10 ⁻²		Ni-65	S	6X10 ⁻⁷	8X10 ⁻²	2X10 ⁻⁸	3X10 ⁻⁵
	Pb-212	S	1X10 ⁻¹⁰	4X10 ⁻⁶		Ni-65	S	3X10 ⁻⁷	2X10 ⁻²	1X10 ⁻⁸	1X10 ⁻⁴
	Pb-212	I	2X10 ⁻⁸	5X10 ⁻³		Ni-93m	S	6X10 ⁻⁷	3X10 ⁻³	4X10 ⁻⁸	1X10 ⁻⁴
	Pb-212	I	2X10 ⁻⁸	5X10 ⁻³		Ni-95	S	1X10 ⁻⁷	1X10 ⁻²	4X10 ⁻⁹	4X10 ⁻⁴
	Lu-177	S	6X10 ⁻⁷	3X10 ⁻³		Ni-95	S	2X10 ⁻⁷	1X10 ⁻²	5X10 ⁻⁹	4X10 ⁻⁴
Lead (82)	Lu-177	I	5X10 ⁻⁷	3X10 ⁻³	Niobium (41)	Nb-93m	S	1X10 ⁻⁷	1X10 ⁻²	4X10 ⁻⁹	4X10 ⁻⁴
	Lu-177	I	5X10 ⁻⁷	3X10 ⁻³		Nb-95	S	2X10 ⁻⁷	1X10 ⁻²	5X10 ⁻⁹	4X10 ⁻⁴
	Lu-177	I	5X10 ⁻⁷	3X10 ⁻³		Nb-95	S	5X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁹	1X10 ⁻⁴
	Lu-177	I	5X10 ⁻⁷	3X10 ⁻³		Nb-95	S	5X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁹	1X10 ⁻⁴
	Lu-177	I	5X10 ⁻⁷	3X10 ⁻³		Nb-95	S	5X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁹	1X10 ⁻⁴
	Lu-177	I	5X10 ⁻⁷	3X10 ⁻³		Nb-95	S	5X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁹	1X10 ⁻⁴

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Element (atomic number)	Isotope ¹	Table I			Table II		
		Column 1 (uCi/ml)	Column 2 (uCi/ml)	Water (uCi/ml)	Column 1 (uCi/ml)	Column 2 (uCi/ml)	Air (uCi/ml)
Osmium (76)	Nb-97	S	6X10 ⁻⁶	3X10 ⁻²	2X10 ⁻⁷	9X10 ⁻⁴	
		I	5X10 ⁻⁶	3X10 ⁻²	2X10 ⁻⁷	9X10 ⁻⁴	
	Os-185	S	5X10 ⁻⁷	2X10 ⁻³	2X10 ⁻⁸	7X10 ⁻⁵	
		I	5X10 ⁻⁸	2X10 ⁻³	2X10 ⁻⁹	7X10 ⁻⁵	
	Os-191m	S	2X10 ⁻⁵	7X10 ⁻²	6X10 ⁻⁷	3X10 ⁻³	
Palladium (46)	Os-191	S	9X10 ⁻⁶	7X10 ⁻²	3X10 ⁻⁷	2X10 ⁻³	
		I	1X10 ⁻⁶	7X10 ⁻²	3X10 ⁻⁸	2X10 ⁻³	
	Os-193	S	4X10 ⁻⁷	5X10 ⁻³	4X10 ⁻⁸	2X10 ⁻⁴	
		I	4X10 ⁻⁷	5X10 ⁻³	1X10 ⁻⁸	2X10 ⁻⁴	
	Pd-103	S	3X10 ⁻⁷	2X10 ⁻³	1X10 ⁻⁸	6X10 ⁻⁵	
Phosphorus (15)		I	3X10 ⁻⁷	2X10 ⁻³	9X10 ⁻⁹	5X10 ⁻⁵	
	Pd-109	S	1X10 ⁻⁶	1X10 ⁻²	5X10 ⁻⁸	3X10 ⁻⁴	
		I	7X10 ⁻⁷	8X10 ⁻³	3X10 ⁻⁸	3X10 ⁻⁴	
	P-32	S	6X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁸	9X10 ⁻⁵	
		I	4X10 ⁻⁷	2X10 ⁻³	1X10 ⁻⁸	7X10 ⁻⁵	
Platinum (78)	Pt-191	S	8X10 ⁻⁷	4X10 ⁻³	3X10 ⁻⁸	1X10 ⁻⁴	
		I	6X10 ⁻⁶	3X10 ⁻²	2X10 ⁻⁷	1X10 ⁻³	
	Pt-193m	S	7X10 ⁻⁶	3X10 ⁻²	2X10 ⁻⁷	1X10 ⁻³	
		I	5X10 ⁻⁶	3X10 ⁻²	2X10 ⁻⁷	1X10 ⁻³	
	Pt-193	S	1X10 ⁻⁶	3X10 ⁻²	2X10 ⁻⁸	1X10 ⁻³	
Plutonium (94)	Pt-197m	S	3X10 ⁻⁷	5X10 ⁻²	1X10 ⁻⁸	9X10 ⁻⁴	
		I	3X10 ⁻⁶	3X10 ⁻²	1X10 ⁻⁷	2X10 ⁻³	
	Pt-197	S	6X10 ⁻⁶	3X10 ⁻²	2X10 ⁻⁷	1X10 ⁻³	
		I	5X10 ⁻⁶	3X10 ⁻²	2X10 ⁻⁷	9X10 ⁻⁴	
	Pu-238	S	8X10 ⁻⁷	4X10 ⁻³	3X10 ⁻⁸	1X10 ⁻⁴	
Radium (88)		I	6X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁸	1X10 ⁻⁴	
	Pu-239	S	2X10 ⁻¹²	1X10 ⁻⁴	7X10 ⁻¹⁴	5X10 ⁻⁶	
		I	3X10 ⁻¹¹	8X10 ⁻⁴	1X10 ⁻¹²	5X10 ⁻⁵	
	Pu-240	S	2X10 ⁻¹²	8X10 ⁻⁴	1X10 ⁻¹⁴	3X10 ⁻⁶	
		I	4X10 ⁻¹¹	1X10 ⁻⁴	6X10 ⁻¹²	5X10 ⁻⁵	
Radium (88)	Pu-241	S	2X10 ⁻¹²	8X10 ⁻⁴	1X10 ⁻¹²	3X10 ⁻⁶	
		I	4X10 ⁻¹¹	1X10 ⁻⁴	1X10 ⁻¹²	3X10 ⁻⁶	
	Pu-242	S	9X10 ⁻⁸	7X10 ⁻³	3X10 ⁻⁹	2X10 ⁻³	
		I	4X10 ⁻⁸	4X10 ⁻³	1X10 ⁻⁹	1X10 ⁻³	
		I	2X10 ⁻¹²	1X10 ⁻⁴	6X10 ⁻¹⁴	5X10 ⁻⁶	

Element (atomic number)	Isotope ¹	Table I			Table II		
		Column 1 (uCi/ml)	Column 2 (uCi/ml)	Water (uCi/ml)	Column 1 (uCi/ml)	Column 2 (uCi/ml)	Air (uCi/ml)
Polonium (84)	Pu-243	S	4X10 ⁻¹¹	9X10 ⁻⁴	1X10 ⁻¹²	3X10 ⁻⁵	
		I	2X10 ⁻⁶	1X10 ⁻²	6X10 ⁻⁸	3X10 ⁻⁴	
	Pu-244	S	2X10 ⁻¹²	1X10 ⁻⁴	8X10 ⁻⁸	3X10 ⁻⁴	
		I	3X10 ⁻¹¹	3X10 ⁻⁴	6X10 ⁻¹⁴	4X10 ⁻⁶	
		I	3X10 ⁻¹¹	3X10 ⁻⁴	1X10 ⁻¹²	1X10 ⁻⁵	
Potassium (19)	Po-210	S	5X10 ⁻¹⁰	2X10 ⁻⁵	2X10 ⁻¹¹	7X10 ⁻⁷	
		I	2X10 ⁻¹⁰	8X10 ⁻⁴	7X10 ⁻¹²	3X10 ⁻⁵	
	K-42	S	2X10 ⁻⁶	9X10 ⁻³	7X10 ⁻⁸	3X10 ⁻⁴	
		I	1X10 ⁻⁷	6X10 ⁻⁴	4X10 ⁻⁹	2X10 ⁻⁵	
	Pr-142	S	2X10 ⁻⁷	9X10 ⁻⁴	7X10 ⁻⁹	3X10 ⁻⁵	
Promethium (61)		I	2X10 ⁻⁷	9X10 ⁻⁴	5X10 ⁻⁹	3X10 ⁻⁵	
	Pr-143	S	3X10 ⁻⁷	1X10 ⁻³	1X10 ⁻⁸	5X10 ⁻⁵	
		I	2X10 ⁻⁷	1X10 ⁻³	6X10 ⁻⁹	5X10 ⁻⁵	
	Pm-147	S	6X10 ⁻⁸	6X10 ⁻³	2X10 ⁻⁹	2X10 ⁻⁴	
		I	1X10 ⁻⁷	6X10 ⁻³	3X10 ⁻⁹	2X10 ⁻⁴	
Protactinium (91)	Pm-149	S	3X10 ⁻⁷	1X10 ⁻³	1X10 ⁻⁸	4X10 ⁻⁵	
		I	2X10 ⁻⁷	1X10 ⁻³	8X10 ⁻⁹	4X10 ⁻⁵	
	Pa-230	S	2X10 ⁻⁹	7X10 ⁻³	6X10 ⁻¹¹	2X10 ⁻⁴	
		I	8X10 ⁻¹⁰	7X10 ⁻³	3X10 ⁻¹¹	2X10 ⁻⁴	
	Pa-231	S	1X10 ⁻¹²	3X10 ⁻⁵	4X10 ⁻¹⁴	2X10 ⁻⁷	
Radium (88)		I	1X10 ⁻¹⁰	8X10 ⁻⁴	4X10 ⁻¹²	2X10 ⁻⁵	
	Pa-233	S	6X10 ⁻⁷	4X10 ⁻³	2X10 ⁻⁹	1X10 ⁻⁴	
		I	2X10 ⁻⁷	3X10 ⁻³	6X10 ⁻⁹	1X10 ⁻⁴	
	Ra-223	S	2X10 ⁻⁹	2X10 ⁻⁵	6X10 ⁻¹¹	7X10 ⁻⁷	
		I	2X10 ⁻¹⁰	1X10 ⁻⁵	8X10 ⁻¹²	4X10 ⁻⁶	
Radium (88)	Ra-224	S	5X10 ⁻¹⁰	7X10 ⁻⁴	2X10 ⁻¹⁰	2X10 ⁻⁶	
		I	7X10 ⁻¹⁰	2X10 ⁻⁴	2X10 ⁻¹¹	5X10 ⁻⁶	
	Ra-226	S	3X10 ⁻¹¹	2X10 ⁻⁷	2X10 ⁻¹¹	5X10 ⁻⁶	
		I	3X10 ⁻¹¹	2X10 ⁻⁷	3X10 ⁻¹²	3X10 ⁻⁵	
	Ra-228	S	5X10 ⁻¹¹	9X10 ⁻⁴	2X10 ⁻¹²	3X10 ⁻⁵	
Radium (88)		I	7X10 ⁻¹¹	8X10 ⁻⁴	2X10 ⁻¹²	3X10 ⁻⁵	
		I	4X10 ⁻¹¹	7X10 ⁻⁴	1X10 ⁻¹²	3X10 ⁻⁵	

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Element (atomic number)	Isotope ¹	Table I		Table II	
		Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)
Scandium (21)	Sc-46	S	2X10 ⁻⁷	8X10 ⁻⁹	4X10 ⁻⁵
		I	2X10 ⁻⁸	1X10 ⁻³	8X10 ⁻¹⁰
	Sc-47	S	6X10 ⁻⁷	2X10 ⁻³	2X10 ⁻⁸
		I	5X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁸
Selenium (34)	Se-48	S	2X10 ⁻⁷	8X10 ⁻⁴	6X10 ⁻⁹
		I	1X10 ⁻⁷	8X10 ⁻⁴	5X10 ⁻⁹
	Se-75	S	1X10 ⁻⁶	9X10 ⁻³	4X10 ⁻⁸
		I	1X10 ⁻⁷	8X10 ⁻³	4X10 ⁻⁹
Silicon (14)	Si-31	S	6X10 ⁻⁶	3X10 ⁻²	2X10 ⁻⁷
		I	1X10 ⁻⁶	6X10 ⁻³	3X10 ⁻⁸
Silver (47)	Ag-105	S	6X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁸
		I	8X10 ⁻⁷	3X10 ⁻⁴	3X10 ⁻⁹
	Ag-110m	S	2X10 ⁻⁷	9X10 ⁻⁴	7X10 ⁻¹⁰
		I	1X10 ⁻⁷	9X10 ⁻⁴	3X10 ⁻⁵
Sodium (11)	Ag-111	S	3X10 ⁻⁷	1X10 ⁻³	1X10 ⁻⁸
		I	2X10 ⁻⁷	1X10 ⁻³	8X10 ⁻⁹
	Na-22	S	2X10 ⁻⁷	1X10 ⁻⁴	6X10 ⁻⁹
		I	9X10 ⁻⁶	9X10 ⁻⁴	3X10 ⁻¹⁰
Strontium (38)	Na-24	S	1X10 ⁻⁷	8X10 ⁻⁴	4X10 ⁻⁸
		I	1X10 ⁻⁷	8X10 ⁻⁴	5X10 ⁻⁹
	Sr-85m	S	4X10 ⁻⁵	2X10 ⁻¹	1X10 ⁻⁶
		I	3X10 ⁻⁵	2X10 ⁻¹	1X10 ⁻⁶
Sulfur (16)	Sr-85	S	2X10 ⁻⁷	3X10 ⁻³	8X10 ⁻⁹
		I	1X10 ⁻⁷	5X10 ⁻³	1X10 ⁻⁴
	Sr-89	S	1X10 ⁻⁸	3X10 ⁻⁴	4X10 ⁻¹⁰
		I	3X10 ⁻⁸	3X10 ⁻⁴	3X10 ⁻⁵
	Sr-90	S	4X10 ⁻⁹	8X10 ⁻⁵	1X10 ⁻⁹
		I	1X10 ⁻⁹	1X10 ⁻⁵	3X10 ⁻¹⁰
	Sr-91	S	5X10 ⁻⁷	1X10 ⁻³	2X10 ⁻⁸
		I	4X10 ⁻⁷	2X10 ⁻³	2X10 ⁻⁸
	Sr-92	S	3X10 ⁻⁷	2X10 ⁻³	9X10 ⁻⁸
		I	4X10 ⁻⁷	2X10 ⁻³	7X10 ⁻⁵
		S	3X10 ⁻⁷	2X10 ⁻³	1X10 ⁻⁸
		I	3X10 ⁻⁷	2X10 ⁻³	6X10 ⁻⁵
	S-35	S	3X10 ⁻⁷	2X10 ⁻³	9X10 ⁻⁹
		I	3X10 ⁻⁷	8X10 ⁻³	9X10 ⁻⁹

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Element (atomic number)	Isotope ¹	Table I		Table II	
		Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)
Radon (86)	Ru-220 ₃	S	3X10 ⁻⁷	1X10 ⁻⁸	-----
	Rn-222	S	3X10 ⁻⁸	3X10 ⁻⁹	-----
Rhenium (75)	Re-183	S	3X10 ⁻⁶	9X10 ⁻⁸	6X10 ⁻⁴
		I	2X10 ⁻⁷	5X10 ⁻⁸	3X10 ⁻⁴
	Re-186	S	6X10 ⁻⁷	2X10 ⁻⁸	9X10 ⁻⁵
		I	2X10 ⁻⁶	8X10 ⁻⁹	5X10 ⁻³
Rhodium (45)	Re-187	S	9X10 ⁻⁷	3X10 ⁻⁸	3X10 ⁻³
		I	5X10 ⁻⁷	2X10 ⁻⁸	3X10 ⁻³
	Re-188	S	4X10 ⁻⁷	1X10 ⁻⁸	2X10 ⁻⁵
		I	2X10 ⁻⁷	6X10 ⁻⁹	6X10 ⁻⁵
Rhodium (45)	Rh-103m	S	8X10 ⁻⁵	3X10 ⁻⁶	1X10 ⁻²
		I	6X10 ⁻⁵	2X10 ⁻⁶	1X10 ⁻²
	Rh-105	S	8X10 ⁻⁷	3X10 ⁻⁸	1X10 ⁻⁴
		I	5X10 ⁻⁷	2X10 ⁻⁸	1X10 ⁻⁴
Rubidium (37)	Rb-86	S	3X10 ⁻⁷	1X10 ⁻⁸	7X10 ⁻⁵
		I	7X10 ⁻⁸	2X10 ⁻⁹	2X10 ⁻⁵
	Rb-87	S	5X10 ⁻⁸	2X10 ⁻⁹	1X10 ⁻⁴
		I	7X10 ⁻⁸	2X10 ⁻⁹	2X10 ⁻⁴
Ruthenium (44)	Ru-97	S	2X10 ⁻⁶	8X10 ⁻⁸	4X10 ⁻⁴
		I	2X10 ⁻⁶	6X10 ⁻⁸	3X10 ⁻⁴
	Ru-103	S	5X10 ⁻⁸	2X10 ⁻⁹	8X10 ⁻⁵
		I	8X10 ⁻⁸	3X10 ⁻⁹	8X10 ⁻⁵
	Ru-105	S	7X10 ⁻⁷	2X10 ⁻⁸	1X10 ⁻⁴
		I	5X10 ⁻⁷	2X10 ⁻⁸	1X10 ⁻⁴
	Ru-106	S	8X10 ⁻⁸	3X10 ⁻⁹	1X10 ⁻⁵
		I	6X10 ⁻⁸	2X10 ⁻¹⁰	1X10 ⁻⁵
Samarium (62)	Sm-147	S	7X10 ⁻¹¹	2X10 ⁻¹²	6X10 ⁻⁵
		I	3X10 ⁻¹⁰	9X10 ⁻¹²	7X10 ⁻⁵
	Sm-151	S	6X10 ⁻⁸	2X10 ⁻⁹	4X10 ⁻⁴
		I	1X10 ⁻⁷	5X10 ⁻⁹	4X10 ⁻⁴
	Sm-153	S	5X10 ⁻⁷	2X10 ⁻⁸	8X10 ⁻⁵
		I	4X10 ⁻⁷	1X10 ⁻⁸	8X10 ⁻⁵

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Element (atomic number)	Isotope ¹	Table I			Table II		
		Column 1 (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)
Tantalum (73)	Ta-182 S	4X10 ⁻⁸	1X10 ⁻³	1X10 ⁻⁹	4X10 ⁻⁵	1X10 ⁻⁹	4X10 ⁻⁵
	I	2X10 ⁻⁸	1X10 ⁻³	7X10 ⁻¹⁰	4X10 ⁻⁵	7X10 ⁻¹⁰	4X10 ⁻⁵
Technetium (43)	Tc-96m S	8X10 ⁻⁵	4X10 ⁻¹	3X10 ⁻⁶	1X10 ⁻²	3X10 ⁻⁶	1X10 ⁻²
	I	3X10 ⁻⁵	3X10 ⁻¹	1X10 ⁻⁶	1X10 ⁻²	1X10 ⁻⁶	1X10 ⁻²
	Tc-96 S	6X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁸	1X10 ⁻⁴	2X10 ⁻⁸	1X10 ⁻⁴
	I	2X10 ⁻⁷	1X10 ⁻³	8X10 ⁻⁹	5X10 ⁻⁵	8X10 ⁻⁹	5X10 ⁻⁵
	Tc-97m S	2X10 ⁻⁶	1X10 ⁻²	8X10 ⁻⁸	4X10 ⁻⁴	8X10 ⁻⁸	4X10 ⁻⁴
	I	2X10 ⁻⁷	5X10 ⁻³	5X10 ⁻⁹	2X10 ⁻⁴	5X10 ⁻⁹	2X10 ⁻⁴
	Tc-97 S	1X10 ⁻⁵	5X10 ⁻²	4X10 ⁻⁷	2X10 ⁻³	4X10 ⁻⁷	2X10 ⁻³
	I	3X10 ⁻⁵	2X10 ⁻²	1X10 ⁻⁸	8X10 ⁻⁴	1X10 ⁻⁸	8X10 ⁻⁴
	Tc-99m S	4X10 ⁻⁵	2X10 ⁻¹	1X10 ⁻⁶	6X10 ⁻³	1X10 ⁻⁶	6X10 ⁻³
	I	1X10 ⁻⁵	8X10 ⁻²	5X10 ⁻⁷	3X10 ⁻³	5X10 ⁻⁷	3X10 ⁻³
Tellurium (52)	Tc-99 S	2X10 ⁻⁶	1X10 ⁻²	7X10 ⁻⁸	3X10 ⁻⁴	7X10 ⁻⁸	3X10 ⁻⁴
	I	6X10 ⁻⁸	5X10 ⁻³	2X10 ⁻⁹	2X10 ⁻⁴	2X10 ⁻⁹	2X10 ⁻⁴
	Te-125m S	4X10 ⁻⁷	5X10 ⁻³	1X10 ⁻⁸	2X10 ⁻⁴	1X10 ⁻⁸	2X10 ⁻⁴
	I	1X10 ⁻⁷	3X10 ⁻³	4X10 ⁻⁹	1X10 ⁻⁵	4X10 ⁻⁹	1X10 ⁻⁵
	Te-127m S	1X10 ⁻⁷	2X10 ⁻³	5X10 ⁻⁹	6X10 ⁻⁵	5X10 ⁻⁹	6X10 ⁻⁵
Terbium (65)	Te-127 S	4X10 ⁻⁸	2X10 ⁻³	1X10 ⁻⁹	5X10 ⁻⁵	1X10 ⁻⁹	5X10 ⁻⁵
	I	2X10 ⁻⁶	8X10 ⁻³	6X10 ⁻⁸	3X10 ⁻⁴	6X10 ⁻⁸	3X10 ⁻⁴
	Te-129m S	9X10 ⁻⁸	5X10 ⁻³	3X10 ⁻⁹	2X10 ⁻⁵	3X10 ⁻⁹	2X10 ⁻⁵
	I	8X10 ⁻⁸	1X10 ⁻³	3X10 ⁻⁹	3X10 ⁻⁵	3X10 ⁻⁹	3X10 ⁻⁵
	Te-129 S	3X10 ⁻⁸	6X10 ⁻⁴	1X10 ⁻⁹	2X10 ⁻⁵	1X10 ⁻⁹	2X10 ⁻⁵
	I	5X10 ⁻⁶	2X10 ⁻²	2X10 ⁻⁷	8X10 ⁻⁴	2X10 ⁻⁷	8X10 ⁻⁴
	Te-131m S	4X10 ⁻⁶	2X10 ⁻²	1X10 ⁻⁸	8X10 ⁻⁴	1X10 ⁻⁸	8X10 ⁻⁴
	I	4X10 ⁻⁷	2X10 ⁻³	1X10 ⁻⁸	6X10 ⁻⁵	1X10 ⁻⁸	6X10 ⁻⁵
	Te-132 S	2X10 ⁻⁷	1X10 ⁻³	6X10 ⁻⁹	4X10 ⁻⁵	6X10 ⁻⁹	4X10 ⁻⁵
	I	2X10 ⁻⁷	9X10 ⁻⁴	7X10 ⁻⁹	3X10 ⁻⁵	7X10 ⁻⁹	3X10 ⁻⁵
Thallium (81)	Tl-200 S	3X10 ⁻⁶	1X10 ⁻²	9X10 ⁻⁸	4X10 ⁻⁴	9X10 ⁻⁸	4X10 ⁻⁴
	I	1X10 ⁻⁶	7X10 ⁻³	4X10 ⁻⁸	2X10 ⁻⁴	4X10 ⁻⁸	2X10 ⁻⁴
	Tl-201 S	2X10 ⁻⁶	9X10 ⁻³	7X10 ⁻⁸	3X10 ⁻⁴	7X10 ⁻⁸	3X10 ⁻⁴
Thallium (81)	Tl-202 S	9X10 ⁻⁷	5X10 ⁻³	3X10 ⁻⁸	2X10 ⁻⁴	3X10 ⁻⁸	2X10 ⁻⁴
	I	8X10 ⁻⁷	4X10 ⁻³	3X10 ⁻⁹	1X10 ⁻⁵	3X10 ⁻⁹	1X10 ⁻⁵
	Tl-203 S	2X10 ⁻⁷	2X10 ⁻³	8X10 ⁻⁹	7X10 ⁻⁵	8X10 ⁻⁹	7X10 ⁻⁵
	I	2X10 ⁻⁷	2X10 ⁻³	8X10 ⁻⁹	7X10 ⁻⁵	8X10 ⁻⁹	7X10 ⁻⁵
	Tl-204 S	4X10 ⁻⁸	2X10 ⁻³	6X10 ⁻¹¹	2X10 ⁻⁵	6X10 ⁻¹¹	2X10 ⁻⁵

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Element (atomic number)	Isotope ¹	Table I			Table II		
		Column 1 (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)
Thorium (90)	Th-204 S	6X10 ⁻⁷	3X10 ⁻³	2X10 ⁻⁸	1X10 ⁻⁴	2X10 ⁻⁸	1X10 ⁻⁴
	I	3X10 ⁻⁸	2X10 ⁻³	9X10 ⁻¹⁰	6X10 ⁻⁵	9X10 ⁻¹⁰	6X10 ⁻⁵
	Th-227 S	3X10 ⁻¹⁰	5X10 ⁻⁴	1X10 ⁻¹¹	2X10 ⁻⁵	1X10 ⁻¹¹	2X10 ⁻⁵
	I	2X10 ⁻¹⁰	5X10 ⁻⁴	6X10 ⁻¹²	2X10 ⁻⁵	6X10 ⁻¹²	2X10 ⁻⁵
	Th-228 S	9X10 ⁻¹²	2X10 ⁻⁴	3X10 ⁻¹³	7X10 ⁻⁶	3X10 ⁻¹³	7X10 ⁻⁶
	I	6X10 ⁻¹²	2X10 ⁻⁴	2X10 ⁻¹³	1X10 ⁻⁵	2X10 ⁻¹³	1X10 ⁻⁵
	Th-230 S	2X10 ⁻¹²	5X10 ⁻⁵	8X10 ⁻¹⁴	2X10 ⁻⁶	8X10 ⁻¹⁴	2X10 ⁻⁶
	I	2X10 ⁻¹²	5X10 ⁻⁵	8X10 ⁻¹⁴	2X10 ⁻⁶	8X10 ⁻¹⁴	2X10 ⁻⁶
	Th-231 S	1X10 ⁻⁶	9X10 ⁻³	3X10 ⁻⁸	3X10 ⁻⁴	3X10 ⁻⁸	3X10 ⁻⁴
	I	1X10 ⁻⁶	9X10 ⁻³	3X10 ⁻⁸	3X10 ⁻⁴	3X10 ⁻⁸	3X10 ⁻⁴
Thulium (69)	Th-232 S	1X10 ⁻¹¹	7X10 ⁻⁵	4X10 ⁻⁸	2X10 ⁻⁴	4X10 ⁻⁸	2X10 ⁻⁴
	I	3X10 ⁻¹¹	5X10 ⁻⁵	1X10 ⁻¹²	2X10 ⁻⁶	1X10 ⁻¹²	2X10 ⁻⁶
	Th-nat- ural S	3X10 ⁻¹¹	1X10 ⁻³	1X10 ⁻¹²	4X10 ⁻⁵	1X10 ⁻¹²	4X10 ⁻⁵
	I	6X10 ⁻¹¹	6X10 ⁻⁵	2X10 ⁻¹²	2X10 ⁻⁶	2X10 ⁻¹²	2X10 ⁻⁶
	Th-234 S	6X10 ⁻⁸	5X10 ⁻⁴	2X10 ⁻⁹	2X10 ⁻⁵	2X10 ⁻⁹	2X10 ⁻⁵
Tin (50)	Tm-170 S	4X10 ⁻⁸	1X10 ⁻³	1X10 ⁻⁹	5X10 ⁻⁵	1X10 ⁻⁹	5X10 ⁻⁵
	I	3X10 ⁻⁸	1X10 ⁻³	1X10 ⁻⁹	5X10 ⁻⁵	1X10 ⁻⁹	5X10 ⁻⁵
	Tm-171 S	1X10 ⁻⁷	1X10 ⁻²	4X10 ⁻⁹	5X10 ⁻⁴	4X10 ⁻⁹	5X10 ⁻⁴
	I	2X10 ⁻⁷	1X10 ⁻²	8X10 ⁻⁹	5X10 ⁻⁴	8X10 ⁻⁹	5X10 ⁻⁴
	Sn-113 S	4X10 ⁻⁷	2X10 ⁻³	1X10 ⁻⁸	9X10 ⁻⁵	1X10 ⁻⁸	9X10 ⁻⁵
Tungsten (74)	Sn-125 S	5X10 ⁻⁸	2X10 ⁻³	2X10 ⁻⁹	8X10 ⁻⁵	2X10 ⁻⁹	8X10 ⁻⁵
	I	1X10 ⁻⁷	5X10 ⁻⁴	4X10 ⁻⁹	2X10 ⁻⁵	4X10 ⁻⁹	2X10 ⁻⁵
	W-181 S	8X10 ⁻⁸	5X10 ⁻⁴	3X10 ⁻⁹	2X10 ⁻⁵	3X10 ⁻⁹	2X10 ⁻⁵
	I	2X10 ⁻⁶	1X10 ⁻²	8X10 ⁻⁸	4X10 ⁻⁴	8X10 ⁻⁸	4X10 ⁻⁴
	W-185 S	1X10 ⁻⁷	1X10 ⁻²	4X10 ⁻⁹	3X10 ⁻⁴	4X10 ⁻⁹	3X10 ⁻⁴
Uranium (92)	W-187 S	1X10 ⁻⁷	4X10 ⁻³	4X10 ⁻⁹	1X10 ⁻⁴	4X10 ⁻⁹	1X10 ⁻⁴
	I	4X10 ⁻⁷	2X10 ⁻³	2X10 ⁻⁸	7X10 ⁻⁵	2X10 ⁻⁸	7X10 ⁻⁵
	U-230 S	3X10 ⁻¹⁰	1X10 ⁻⁴	1X10 ⁻¹¹	5X10 ⁻⁶	1X10 ⁻¹¹	5X10 ⁻⁶
	I	3X10 ⁻¹⁰	1X10 ⁻⁴	1X10 ⁻¹¹	5X10 ⁻⁶	1X10 ⁻¹¹	5X10 ⁻⁶
	U-232 S	1X10 ⁻¹⁰	1X10 ⁻⁴	4X10 ⁻¹²	5X10 ⁻⁶	4X10 ⁻¹²	5X10 ⁻⁶

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Element (atomic number)	Isotope ¹	Table I		Table II	
		Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)
Vanadium (23)	U-233	S	5X10 ⁻¹⁰	9X10 ⁻⁴	2X10 ⁻¹¹ 3X10 ⁻⁵
	U-234	I	1X10 ⁻¹⁰	9X10 ⁻⁴	4X10 ⁻¹² 3X10 ⁻⁵
	U-235	S ⁴	1X10 ⁻¹⁰	9X10 ⁻⁴	2X10 ⁻¹¹ 3X10 ⁻⁵
	U-236	I	1X10 ⁻¹⁰	9X10 ⁻⁴	4X10 ⁻¹² 3X10 ⁻⁵
Xenon (54)	U-238	S ⁴	1X10 ⁻¹⁰	9X10 ⁻⁴	2X10 ⁻¹¹ 3X10 ⁻⁵
	U-240	I	1X10 ⁻¹⁰	9X10 ⁻⁴	4X10 ⁻¹² 3X10 ⁻⁵
	U-nat- ural	S ⁴	1X10 ⁻¹⁰	9X10 ⁻⁴	2X10 ⁻¹¹ 3X10 ⁻⁵
	V-48	I	1X10 ⁻¹⁰	9X10 ⁻⁴	4X10 ⁻¹² 3X10 ⁻⁵
Ytterbium (70)	Xe-131m Sub ²	S	2X10 ⁻⁷	9X10 ⁻⁴	6X10 ⁻⁹ 3X10 ⁻⁵
	Xe-133 Sub	I	6X10 ⁻⁸	8X10 ⁻⁴	2X10 ⁻⁸ 1X10 ⁻⁴
	Xe-135 Sub	S	2X10 ⁻⁷	9X10 ⁻⁴	6X10 ⁻⁹ 3X10 ⁻⁵
	Yb-175	I	1X10 ⁻¹⁰	9X10 ⁻⁴	4X10 ⁻¹² 3X10 ⁻⁵
Yttrium (39)	Y-88	S	3X10 ⁻⁷	2X10 ⁻³	6X10 ⁻⁹ 7X10 ⁻⁵
	Y-90	I	5X10 ⁻⁸	3X10 ⁻³	2X10 ⁻⁹ 9X10 ⁻⁵
	Y-91m	S	1X10 ⁻⁷	6X10 ⁻⁴	4X10 ⁻⁹ 2X10 ⁻⁵
	Y-91	I	1X10 ⁻⁷	6X10 ⁻⁴	4X10 ⁻⁹ 2X10 ⁻⁵
Zinc (30)	Y-92	S	2X10 ⁻⁵	1X10 ⁻¹	8X10 ⁻⁷ 3X10 ⁻³
	Y-93	I	2X10 ⁻⁵	1X10 ⁻¹	8X10 ⁻⁷ 3X10 ⁻³
	Y-94	S	2X10 ⁻⁵	1X10 ⁻¹	8X10 ⁻⁷ 3X10 ⁻³
	Y-95	I	2X10 ⁻⁵	1X10 ⁻¹	8X10 ⁻⁷ 3X10 ⁻³

Element (atomic number)	Isotope ¹	Table I		Table II	
		Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)
Zinc (30)	Zn-65	S	1X10 ⁻⁷	3X10 ⁻³	4X10 ⁻⁹ 1X10 ⁻⁴
	Zn-69m	I	6X10 ⁻⁸	5X10 ⁻³	2X10 ⁻⁹ 2X10 ⁻⁵
	Zn-69	S	4X10 ⁻⁷	2X10 ⁻³	1X10 ⁻⁸ 7X10 ⁻⁵
	Zn-70	I	3X10 ⁻⁶	5X10 ⁻²	1X10 ⁻⁷ 2X10 ⁻³
Zirconium (40)	Zr-93	S	1X10 ⁻⁷	2X10 ⁻²	4X10 ⁻⁹ 8X10 ⁻⁴
	Zr-95	S	1X10 ⁻⁷	2X10 ⁻²	4X10 ⁻⁹ 8X10 ⁻⁴
	Zr-97	S	1X10 ⁻⁷	2X10 ⁻²	4X10 ⁻⁹ 8X10 ⁻⁴
	Zr-99	I	9X10 ⁻⁸	5X10 ⁻⁴	3X10 ⁻⁹ 2X10 ⁻⁵
Any single radio- nuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life less than 2 hours.	Sub ²	1X10 ⁻⁶	-----	3X10 ⁻⁸	-----
Any single radio- nuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life greater than 2 hours.	Sub ²	3X10 ⁻⁹	9X10 ⁻⁵	1X10 ⁻¹⁰	3X10 ⁻⁶
	Sub ²	6X10 ⁻¹³	4X10 ⁻⁷	2X10 ⁻¹⁴	3X10 ⁻⁸
	Sub ²	6X10 ⁻¹³	4X10 ⁻⁷	2X10 ⁻¹⁴	3X10 ⁻⁸

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¹ Soluble (S); Insoluble (I).

² "Sub" means that values given are for submersion in a semi-spherical infinite cloud of airborne material.

³ These radon concentrations are appropriate for protection from radon-222 combined with its short-lived daughters. Alternatively, the value in Table I may be replaced by one-third (1/3) "working level". (A "working level" is defined as any combination of short-lived radon-222 daughters, polonium-218, lead-214, bismuth-214, and polonium-214, in 1 liter of air, without regard to the degree of equilibrium, that will result in the ultimate emission of 1.3×10^5 Mev of alpha particle energy.) The Table II value may be replaced by one thirtieth (1/30) of a "working level". The limit on radon-222 concentrations in restricted areas may be based on an annual average.

⁴ For soluble mixtures of U-238, U-234 and U-235 in air, chemical toxicity may be the limiting factor. If the percent by weight (enrichment) of U-235 is less than 5, the concentration value for a 40-hour workweek, Table I, is 0.2 milligrams uranium per cubic meter of air average. For any enrichment, the product of the average concentration and time of exposure during a 40-hour workweek shall not exceed 8×10^{-3} SA uCi-hr/ml, where SA is the specific activity of the uranium inhaled. The concentration value for Table II is 0.007 milligrams uranium per cubic meter of air. The specific activity for natural uranium is 6.77×10^{-7} curies per gram uranium. The specific activity for other mixtures of U-238, U-235 and U-234, if not known, shall be:

$$SA = 3.6 \times 10^{-7} \text{ curies/gram } U_2$$

$$SA = (0.4 + 0.38E + 0.0034E) \times 10^{-6} \text{ (U-depleted)}$$

where E is the percentage by weight of U-235, expressed as percent.

NOTE: In any case where there is a mixture in air or water of more than one radionuclide, the limiting values for purposes of this Appendix should be determined as follows:

- 1) If the identity and concentration of each radionuclide in the mixture are known, the limiting values should be derived as follows: Determine, for each radionuclide in the mixture, the ratio between the quantity present in the mixture and the limit otherwise established in Appendix "A" for the specific radionuclide when not in a mixture. The sum of such ratios for all the radionuclides in the mixture may not exceed "1" (i.e., "unity").

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EXAMPLE: If radionuclides (a), (b), and (c) are present in concentrations C_a , C_b , and C_c , and if the applicable maximum permissible concentrations (MPC's) are MPC_a , MPC_b , and MPC_c respectively, then the concentrations shall be limited so that the following relationship exists:

$$\frac{C_a}{MPC_a} + \frac{C_b}{MPC_b} + \frac{C_c}{MPC_c} \quad \text{less than or equal to 1}$$

2) If either the identity or the concentration of any radionuclide in the mixture is not known, the limiting values for purposes of Appendix "A" shall be:

a) For purposes of Table I, Column 1 6×10^{-13}

b) For purposes of Table I, Column 2 4×10^{-7}

c) For purposes of Table II, Column 1 2×10^{-14}

d) For purposes of Table II, Column 2 3×10^{-8}

3) If any of the conditions specified below are met, the corresponding values specified below may be used in lieu of those specified in paragraph 2 above.

a) If the identity of each radionuclide in the mixture is known but the concentration of one or more of the radionuclides in the mixture is not known, the concentration limit for the mixture is the limit specified in Appendix "A" for the radionuclide in the mixture having the lowest concentration limit; or

b) If the identity of each radionuclide in the mixture is not known, but it is known that certain radionuclides specified in Appendix "A" are not present in the mixture, the concentration limit for the mixture is the lowest concentration limit specified in Appendix "A" for any radionuclide which is not known to be absent from the mixture; or

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c)	Radionuclide	Table I		Table II	
		Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)

If it is known that (I-129, Table II only), Ra-226, and Ra-228 are not present -----

----- 3X10⁻⁶ ----- 1X10⁻⁷

If it is known that alpha-emitters and Sr-90, I-129, Pb-210, Ac-227, Ra-228, Pa-230, Pu-241, and Bk-249 are not present -----

3X10⁻⁹ ----- 1X10⁻¹⁰ -----

If it is known that alpha-emitters and Pb-210, Ac-227, Ra-228, and Pu-241 are not present -----

3X10⁻¹⁰ ----- 1X10⁻¹¹ -----

If it is known that alpha-emitters and Ac-227 are not present -----

3X10⁻¹¹ ----- 1X10⁻¹² -----

If it is known that Ac-227, Th-230, Pa-231, Pu-238, Pu-239, Pu-240, Pu-242, Pu-244, Cm-248, Cf-249 and Cf-251 are not present -----

3X10⁻¹² ----- 1X10⁻¹³ -----

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c)	Radionuclide	Table I		Table II	
		Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)	Column 1 Air (uCi/ml)	Column 2 Water (uCi/ml)

If it is known that Sr-90, I-125, I-126, I-129, I-131, (I-133 Table II only), Pb-210, Po-210, At-211, Ra-223, Ra-224, Ra-226, Ac-227, Ra-228, Th-230, Pa-231, Th-232, Th-nat, Cm-248, Cf-254, and Fm-256 are not present -----

----- 9X10⁻⁵ ----- 3X10⁻⁶

If it is known that Sr-90, I-125, I-126, I-129, (I-131, I-133, Table II only), Pb-210, Po-210, Ra-223, Ra-226, Ra-228, Pa-231, Th-nat, Cm-248, Cf-254, and Fm-256 are not present -----

----- 6X10⁻⁵ ----- 2X10⁻⁶

If it is known that Sr-90, I-129, (I-125, I-126, I-131, Table II only), Pb-210, Ra-226, Ra-228, Cm-248, and Cf-254 are not present -----

----- 2X10⁻⁵ ----- 6X10⁻⁷

- 4) If a mixture of radionuclides consists of Uranium and its daughters in ore dust prior to chemical separation of the Uranium from the ore, the values specified below may be used for Uranium and its daughters through radium-226, instead of those from paragraph 1, 2, or 3 above.

- a) For purposes of Table I, Column 1, 1×10^{-10} uCi/ml gross alpha activity; or 5×10^{-11} uCi/ml natural Uranium; or 75 micrograms per cubic meter of air natural Uranium.
- b) For purposes of Table II, Column 1, 3×10^{-12} uCi/ml gross alpha activity; 2×10^{-12} uCi/ml natural Uranium; or 3 micrograms per cubic meter of air natural Uranium.

- 5) For purposes of this note, a radionuclide may be considered as not present in a mixture if:

- (a) The ratio of the concentration of that radionuclide in the mixture (C_a) to the concentration limit for that radionuclide specified in Table II of Appendix "A" (MPC_a) does not exceed $1/10$, (i.e., C_a/MPC_a is lesser than or equal to $1/10$); and
- (b) The sum of such ratios for all radionuclides considered as not present in the mixture does not exceed $1/4$, (i.e., $C_a/MPC_a + C_b/MPC_b + \dots$ is lesser than or equal to $1/4$).

NOTE: To convert uCi/ml to SI units of megabecquerels per liter multiply the above values by 37.

EXAMPLE: Zirconium (40) Zr-97 S (Table I, Column 1-Air) 61×10^{-7} uCi/ml multiplied by 37 is equivalent to 37×10^{-7} MBq/l.

SECTION 340.APPENDIX B Quantities for use with 340.2030 and 340.3030
Material and Microcuries

Material	Microcuries
Americium-241	0.01
Antimony-122	100
Antimony-124	10
Antimony-125	10
Arsenic-73	10
Arsenic-74	100
Arsenic-76	10
Arsenic-77	10
Barium-131	100
Barium-133	10
Barium-140	10
Bismuth-210	10
Bromine-82	1
Cadmium-109	10
Cadmium-115m	10
Cadmium-115	10
Calcium-45	100
Calcium-47	10
Carbon-14	10
Cerium-141	100
Cerium-143	100
Cerium-144	100
Cesium-131	1
Cesium-134m	1,000
Cesium-134	100
Cesium-135	1
Cesium-136	10
Cesium-137	10
Chlorine-36	10
Chlorine-38	10
Chromium-51	10
Cobalt-58m	1,000
Cobalt-58	10
Cobalt-60	10
Copper-64	1
Dysprosium-165	100
Dysprosium-166	10
Erbium-169	100
Erbium-171	100
Europium-152 (9.2 h)	100
Europium-152 (13 yr)	1

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Material	Microcuries
Niobium-93m	10
Niobium-95	10
Niobium-97	10
Osmium-185	100
Osmium-191m	100
Osmium-191	100
Osmium-193	100
Palladium-103	10
Palladium-109	100
Phosphorus-32	100
Platinum-191	100
Platinum-193m	100
Platinum-193	100
Platinum-197m	100
Platinum-197	0.01
Plutonium-239	0.1
Polonium-210	10
Potassium-42	100
Praseodymium-142	100
Praseodymium-143	10
Promethium-147	10
Promethium-149	0.01
Radium-226	100
Rhenium-186	100
Rhenium-188	100
Rhodium-103m	100
Rhodium-105	10
Rubidium-86	10
Rubidium-87	100
Ruthenium-97	10
Ruthenium-103	10
Ruthenium-105	1
Ruthenium-106	10
Samarium-151	100
Samarium-153	10
Scandium-46	100
Scandium-47	10
Scandium-48	10
Selenium-75	100
Silicon-31	10
Silver-105	1
Silver-110m	100
Silver-111	1
Sodium-22	1

Material	Microcuries
Europium-154	1
Europium-155	10
Fluorine-18	1,000
Gadolinium-153	10
Gadolinium-159	100
Gallium-72	10
Germanium-71	100
Gold-198	100
Gold-199	10
Hafnium-181	100
Holmium-166	1,000
Hydrogen-3	100
Indium-113m	10
Indium-114m	100
Indium-115m	10
Indium-115	1
Iodine-125	1
Iodine-126	0.1
Iodine-129	1
Iodine-131	10
Iodine-132	1
Iodine-133	10
Iodine-134	10
Iodine-135	10
Iridium-192	100
Iridium-194	100
Iron-55	10
Iron-59	100
Krypton-85	10
Krypton-87	10
Lanthanum-140	10
Lutetium-177	100
Manganese-52	10
Manganese-54	10
Manganese-56	100
Mercury-197m	100
Mercury-197	10
Mercury-203	100
Molybdenum-99	100
Neodymium-147	100
Neodymium-149	100
Nickel-59	10
Nickel-63	10
Nickel-65	100

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Material	Microcuries
Sodium-24	10
Strontium-85	10
Strontium-89	1
Strontium-90	0.1
Strontium-91	10
Strontium-92	10
Sulfur -35	10
Tantalum-182	100
Technetium-96	10
Technetium-97m	10
Technetium-97	100
Technetium-99m	100
Technetium-99	10
Tellurium-125m	10
Tellurium-127m	10
Tellurium-127	10
Tellurium-129m	100
Tellurium-129	10
Tellurium-131m	100
Tellurium-132	10
Terbium-160	10
Thallium-200	10
Thallium-201	100
Thallium-202	100
Thallium-204	100
Thorium (natural)*	10
Thulium-170	100
Thulium-171	10
Tin-113	10
Tin-125	10
Tungsten-181	10
Tungsten-185	10
Tungsten-187	10
Uranium (natural)**	100
Uranium-233	100
Uranium-234	0.01
Uranium-235	0.01
Vanadium-48	0.01
Xenon-131m	10
Xenon-133	1,000
Xenon-135	100
Ytterbium-175	100
Yttrium-90	100
Yttrium-91	10

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Material	Microcuries
Yttrium-92	100
Yttrium-93	100
Zinc-65	10
Zinc-69m	100
Zinc-69	1,000
Zirconium-93	10
Zirconium-95	10
Zirconium-97	10

*AGENCY NOTE 1: Based on alpha disintegration rate of Th-232, Th-230 and their daughter products.

**AGENCY NOTE 2: Based on alpha disintegration rate of U-238, U-234, and U-235.

Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition

0.01

Any radionuclide other than alpha emitting radionuclides, not listed above or mixtures of beta emitters of unknown composition

0.1

NOTE:

For purposes of Sections 340.2030 and 340.3030, where there is involved a combination of isotopes in known amounts, the limit for the combination should be derived as follows: Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination. The sum of such ratios for all the isotopes in the combination may not exceed "1" (i.e., "unity").

NOTE:

To convert microcuries (uCi) to SI units of kilobecquerels (kBq), multiply the above values by 37.

EXAMPLE: Zirconium-97 (10 uCi) (37) = 370 kBq.
(10 uCi multiplied by 37 is equivalent to 370 kBq.)

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SECTION 340.APPENDIX C *

DECONTAMINATION GUIDES

a) Surface Contamination Guide

Alpha Emitters

Removable	15 pCi per 100 cm ² = 33 dpm per 100 cm ²	average over any one surface
Total (fixed)	45 pCi per 100 cm ² = 100 dpm per 100 cm ²	maximum
	450 pCi per 100 cm ² = 1,000 dpm per 100 cm ²	average over any one surface
	2,250 pCi per 100 cm ² 5,000 dpm per 100 cm ²	maximum
	0.25 mRem per hour at 1 cm	

Beta-Gamma Emitters

Removable (all beta-gamma emitters except Hydrogen 3)	100 pCi per 100 cm ²	average over any one surface
Removable (Hydrogen 3)	500 pCi per 100 cm ² 1,000 pCi per 100 cm ²	maximum average over any one surface
Total (fixed)	5,000 pCi per 100 cm ² 0.25 mRem per hour at 1 cm from surface	maximum

b) Concentration in air and water: Appendix A, Table II of Part 340.

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c) Concentrations in soil and other materials except water:

- 1) Radioactive material except source materials: Appendix A, Column II of 32 III. Adm. Code 330.
- 2) Source material: 0.05 percent by weight.

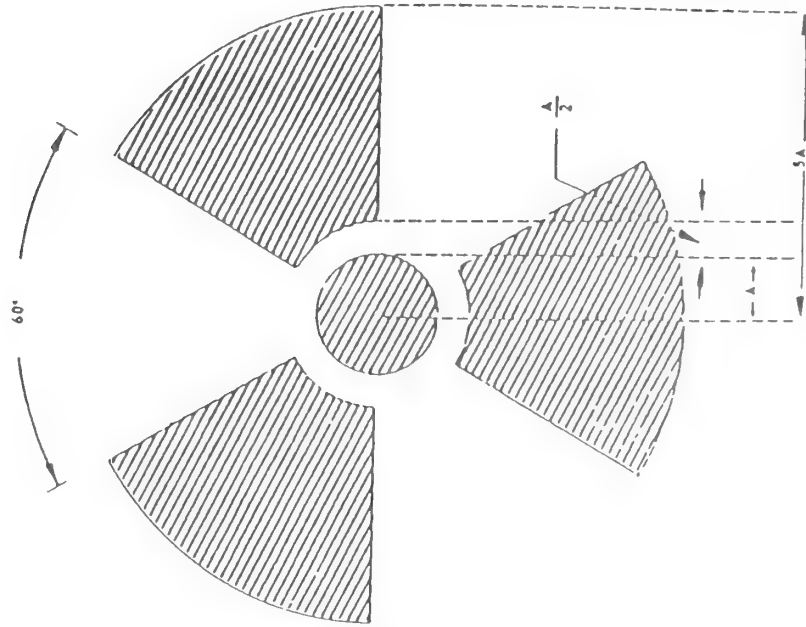
*AGENCY NOTE: This Appendix shall be used only as a guide. The Department may require lower values in specific instances, depending upon radionuclides, type of surface, intended present and future use, etc.

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Section 340. ILLUSTRATION A Radiation Symbol

1. Cross-hatched area is to be magenta or purple.
2. Background is to be yellow.



1) Heading of the Part: STANDARDS FOR PROTECTION AGAINST RADIATION

2) Code Citation: 32 Ill. Adm. Code 340

3) Section Number:

Proposed Action:

340.10	New Section
340.20	New Section
340.30	New Section
340.40	New Section
340.110	New Section
340.210	New Section
340.220	New Section
340.230	New Section
340.240	New Section
340.250	New Section
340.260	New Section
340.270	New Section
340.280	New Section
340.310	New Section
340.320	New Section
340.410	New Section
340.510	New Section
340.520	New Section
340.530	New Section
340.610	New Section
340.620	New Section
340.630	New Section
340.710	New Section
340.720	New Section
340.730	New Section
340.810	New Section
340.910	New Section
340.920	New Section
340.930	New Section
340.940	New Section
340.950	New Section
340.960	New Section
340.1010	New Section
340.1020	New Section
340.1030	New Section
340.1040	New Section
340.1050	New Section
340.1052	New Section
340.1055	New Section
340.1057	New Section
340.1060	New Section

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- 340.1070 New Section
- 340.1110 New Section
- 340.1120 New Section
- 340.1130 New Section
- 340.1135 New Section
- 340.1140 New Section
- 340.1150 New Section
- 340.1160 New Section
- 340.1170 New Section
- 340.1180 New Section
- 340.1190 New Section
- 340.1195 New Section
- 340.1210 New Section
- 340.1220 New Section
- 340.1230 New Section
- 340.1240 New Section
- 340.1250 New Section
- 340.1260 New Section
- 340.1270 New Section
- 340.1310 New Section
- 340.1320 New Section
- 340. Appendix A
- 340. Illustration A

4) Statutory Authority: Implementing and authorized by Section 16 of the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111½, par. 210-16) [420 ILCS 40/16].

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to repeal its current rules entitled "Standards for Protection Against Radiation," 32 Ill. Adm. Code 340, and replace it with this new rule. The Departments is taking this action because it has determined that the requirements currently codified at 32 Ill. Adm. Code 340 are no longer consistent with the requirements imposed by the U.S. Nuclear Regulatory Commission (NRC). In May 1991, NRC issued new rules that substantially revised the requirements for protection against radiation.

This new Part applies to businesses and individuals that are licensed to possess radioactive materials or that are registered with the Department because they possess radiation machines. These rules contain requirements pertaining to: (a) the establishment and implementation of radiation protection programs by licensees and registrants; (b) occupational dose limits and permissible methods of demonstrating compliance with these limits; (c) more restrictive occupational dose limits that are applicable to pregnant workers who have voluntarily

advised their employers that they are pregnant; (d) dose limits to individual members of the general public and permissible methods of demonstrating compliance with these limits; (e) the testing of sealed radioactive sources for leakage or contamination; (f) radiation surveys and monitoring, including types of equipment used, conditions requiring individual monitoring of external, internal occupational doses, and permissible methods of monitoring doses to individual workers; (g) controlling access to radiation areas; (h) use of respiratory protection equipment to reduce internal radiation exposure or removal; (i) securing radioactive material from unauthorized access or removal; (j) posting of cautionary information in radiation areas and labeling radioactive materials and radiation machines; (k) receiving and opening packages containing radioactive materials; (l) restrictions on disposal of radioactive waste; (m) reporting of incidents; and (n) recordkeeping.

The requirements contained in this proposed rule pertaining to disposal of radioactive waste are identical to those currently codified at 32 Ill. Adm. Code 340, Subpart C, except that Section 340.1010 would contain cross references to Parts 330, 332 and 601, would authorize disposal by release in effluents, and would expressly require specific licensure for storage, treatment, or disposal of low-level radioactive waste away from the point of generation. Additionally, Section 340.1050 would allow small quantities of iodine-125 used as a scintillation medium to be disposed of as if it were not radioactive.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Although local governments that possess or use radioactive materials or radiation machines must comply with the requirements of this Part, the requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 60 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 60 day comment period.

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Comments should be submitted to:

Betsy Salus
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9881 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
- B) Types of small businesses affected: These rules will impact on small businesses that are licensed by the Department to possess or use radioactive materials. These rules will also impact small businesses that use radiation machines.
- C) Reporting, bookkeeping or other procedures required for compliance: Recordkeeping and reporting are the primary means by which the Department determines whether licensees and registrants are complying with the radiation protection requirement. Accordingly, Subpart L of these rules establishes recordkeeping requirements and Subpart M establishes reporting requirements. This rule also requires licensees and registrants to adopt and implement various radiation protection procedures.
- D) Types of professional skills necessary for compliance: Some familiarity with radiation protection principles is necessary for compliance with the requirements of this Part. The Department anticipates that, in most cases, licensees and registrants will rely on the technical background of their radiation safety officer or obtain the services of a consultant.

The full text of the Proposed Rule begins on the next page:

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TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 340

STANDARDS FOR PROTECTION AGAINST RADIATION

SUBPART A: GENERAL PROVISIONS

Section	
340.10	Purpose
340.20	Scope
340.30	Definitions
340.40	Implementation

SUBPART B: RADIATION PROTECTION PROGRAMS

Section	
340.110	Radiation Protection Programs

SUBPART C: OCCUPATIONAL DOSE LIMITS

Section	
340.210	Occupational Dose Limits for Adults
340.220	Compliance with Requirements for Summation of External and Internal Doses
340.230	Determination of External Dose from Airborne Radioactive Material
340.240	Determination of Internal Exposure
340.250	Determination of Prior Occupational Dose
340.260	Planned Special Exposures
340.270	Occupational Dose Limits for Minors
340.280	Dose to an Embryo/Fetus

SUBPART D: RADIATION DOSE LIMITS FOR INDIVIDUAL MEMBERS OF THE PUBLIC

Section	
340.310	Dose Limits for Individual Members of the Public
340.320	Compliance with Dose Limits for Individual Members of the Public

SUBPART E: TESTING FOR LEAKAGE OR CONTAMINATION OF SEALED SOURCES

Section	
340.410	Testing for Leakage or Contamination of Sealed Sources

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SUBPART F: SURVEYS AND MONITORING

Section	General
340.510	Conditions Requiring Individual Monitoring of External and Internal Occupational Dose
340.520	Location of Individual Monitoring Devices
340.530	

SUBPART G: CONTROL OF EXPOSURE FROM EXTERNAL SOURCES IN RESTRICTED AREAS

Section	Control of Access to High Radiation Areas
340.610	Control of Access to Very High Radiation Areas
340.620	Control of Access to Very High Radiation Areas - Irradiators
340.630	

SUBPART H: RESPIRATORY PROTECTION AND CONTROLS TO RESTRICT INTERNAL EXPOSURE IN RESTRICTED AREAS

Section	Use of Process or Other Engineering Controls
340.710	Use of Other Controls
340.720	Use of Individual Respiratory Protection Equipment
340.730	

SUBPART I: STORAGE AND CONTROL OF LICENSED OR REGISTERED SOURCES OF RADIATION

Section	Security and Control of Licensed or Registered Sources of Radiation
340.810	

SUBPART J: PRECAUTIONARY PROCEDURES

Section	Caution Signs
340.910	Posting Requirements
340.920	Exceptions to Posting Requirements
340.930	Labeling Containers and Radiation Machines
340.940	Exemptions to Labeling Requirements
340.950	Procedures for Receiving and Opening Packages
340.960	

SUBPART K: WASTE DISPOSAL

Section	General Requirements
340.1010	Method for Obtaining Approval of Proposed Disposal Procedures
340.1020	Disposal by Release into Sanitary Sewerage
340.1030	

Section	Treatment or Disposal by Incineration
340.1040	Disposal of Specific Wastes
340.1050	Classification of Radioactive Waste for Land Disposal
340.1052	Radioactive Waste Characteristics
340.1055	Labeling
340.1057	Transfer for Disposal and Manifests
340.1060	Compliance with Environmental and Health Protection Regulations
340.1070	

SUBPART L: RECORDS

Section	General Provisions
340.1110	Records of Radiation Protection Programs
340.1120	Records of Surveys
340.1130	Records of Tests for Leakage or Contamination of Sealed Sources
340.1135	Records of Prior Occupational Dose
340.1140	Records of Planned Special Exposures
340.1150	Records of Individual Monitoring Results
340.1160	Records of Dose to Members of the Public
340.1170	Records of Waste Disposal
340.1180	Records of Testing Entry Control Devices for Very High Radiation Areas
340.1190	Form of Records
340.1195	

SUBPART M: REPORTS AND NOTIFICATIONS

Section	Reports of Stolen, Lost, or Missing Sources of Radiation
340.1210	Notification of Incidents
340.1220	Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Limits
340.1230	Reports of Planned Special Exposures
340.1240	Notifications and Reports to Individuals
340.1250	Reports of Leaking or Contaminated Sealed Sources
340.1260	Reports of Missing Waste Shipments
340.1270	

SUBPART N: ADDITIONAL REQUIREMENTS

Section	Vacating Premises
340.1310	Removal of Radioactive Contamination
340.1320	Decontamination Guidelines
340.Appendix A	Radiation Symbol
340.Illustration A	

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AUTHORITY: Implementing and authorized by Section 16 of the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111½, par. 210-16) [420 ILCS 40/16].

SOURCE: Filed April 24, 1970 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 16027; Recodified at 10 Ill. Reg. 11273; amended at 10 Ill. Reg. 17538, effective September 25, 1986; amended at 16 Ill. Reg. 11538, effective July 7, 1992; Old Part Repealed, New Part adopted at ___ Ill. Reg. ___, effective ____.

SUBPART A: GENERAL PROVISIONS

Section 340.10 Purpose

- a) This Part establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the Department. This Part is issued pursuant to the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111½, par. 210-1 et seq.) [420 ILCS 40/1 - 40/44].
- b) The requirements of this Part are designed to control the receipt, possession, use, transfer, and disposal of sources of radiation by any licensee or registrant so that the total dose to an individual, including doses resulting from all sources of radiation other than background radiation, does not exceed the standards for protection against radiation prescribed in this Part. However, nothing in this Part shall be construed as limiting actions that may be necessary to protect health and safety in an emergency.

Section 340.20 Scope

Except as specifically provided in other regulations of the Department, this Part applies to persons licensed or registered by the Department to receive, possess, use, transfer, or dispose of sources of radiation pursuant to 32 Ill. Adm. Code: Chapter 11, Subchapters b and d. The limits in this Part do not apply to doses due to background radiation, to exposure of patients to radiation for the purpose of medical diagnosis or therapy, or to voluntary participation in medical research programs.

Section 340.30 Definitions

As used in this Part:

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"Annual limit on intake" (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 0.05 Sv (5 rem) or a committed dose equivalent of 0.5 Sv (50 rem) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Table 1, Columns 1 and 2 of Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions.

AGENCY NOTE: Appendix B to 10 CFR 20.1001 - 20.2401 was published at 56 FR 24409 (May 21, 1991). Corrections were published at 56 FR 61352 (December 3, 1991). An amendment was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

"Class" (lung class or inhalation class) means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: for Class D (Days) of less than 10 days, for Class W (Weeks) from 10 to 100 days, and for Class Y (Years) of greater than 100 days.

"Derived air concentration" (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of 2,000 hours under conditions of light work would result in an intake of one ALI. For purposes of this definition, the condition of light work is an inhalation rate of 1.2 cubic meters of air per hour for 2,000 hours in a year. DAC values are given in Table 1, Column 3 of Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions.

AGENCY NOTE: Appendix B to 10 CFR 20.1001 - 20.2401 was published at 56 FR 24409 (May 21, 1991). Corrections were published at 56 FR 61352 (December 3, 1991). An amendment was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

"Derived air concentration-hour" (DAC-hour) means the product of the concentration of radioactive material in air (expressed as a fraction or multiple of the derived air concentration for each

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radionuclide) and the time of exposure to that radionuclide (expressed in hours). A licensee may take 2,000 DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 0.05 Sv (5 rem).

"Inhalation class" (see "Class").

"Lung class" (see "Class").

"Nonstochastic effect" (deterministic effect) means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect.

"Planned special exposure" means an infrequent exposure to radiation, the dose from which is separate from and in addition to the annual occupational dose limits.

"Reference Man" means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base.

AGENCY NOTE: A description of the Reference Man is contained in the International Commission on Radiological Protection report, "ICRP Publication 23, 'Report of the Task Group on Reference Man.' A copy of this report is available for inspection at the Department of Nuclear Safety offices, 1035 Outer Park Drive Springfield, Illinois.

"Respiratory protective equipment" means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

"Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee.

"Stochastic effect" (probabilistic effect) means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects.

"Weighting factor" (w_i), means the proportion of the risk of stochastic effects resulting from irradiation of an organ or tissue (T) to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of w_i are:

Organ or Tissue	w_i
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30*
Whole Body	1.00*

* 0.30 results from 0.06 for each of 5 "remainder" organs, excluding the skin and the lens of the eye, that receive the highest doses.

* For the purpose of weighting the external whole-body dose, for adding it to the internal dose, a single weighting factor, $w_i = 1.0$, has been specified.

Section 340.40 Implementation

- Any existing license condition that is more restrictive than this Part remains in force until there is an amendment or renewal of the license.
- If a license condition exempts a licensee from a provision of this Part in effect before January 1, 1994, it also exempts the licensee from the corresponding provision of this Part, as revised effective January 1, 1994, until there is an amendment or renewal of the license that modifies or removes the condition.
- If a license condition cites provisions of this Part in effect before January 1, 1994, which do not correspond to any provisions of this Part, as revised effective January 1, 1994, the license condition remains in force until there is an amendment or renewal of the license that modifies or removes the condition.

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SUBPART B: RADIATION PROTECTION PROGRAMS

Section 340.110 Radiation Protection Programs

- a) Each licensee or registrant shall develop, document, and implement a radiation protection program that ensures compliance with the provisions of this Part. (See Section 340.1120 for recordkeeping requirements relating to these programs.)
- b) The licensee or registrant shall use, to the extent practicable, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and public doses that are as low as is reasonably achievable (ALARA).
- c) The licensee shall review, at intervals not to exceed 12 months, the radiation protection program content and implementation.
- d) The registrant shall review, at intervals not to exceed 1 inspection cycle as specified in 32 Ill. Adm. Code 410.60(d), the radiation protection program content and implementation.

SUBPART C: OCCUPATIONAL DOSE LIMITS

Section 340.210 Occupational Dose Limits for Adults

- a) The licensee or registrant shall control the occupational dose to individual adults, except for planned special exposures pursuant to Section 340.260, to the following dose limits:
 - 1) An annual limit, which is the more limiting of:
 - A) The total effective dose equivalent being equal to 0.05 Sv (5 rem); or
 - B) The sum of the deep dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 0.5 Sv (50 rem).
 - 2) The annual limits to the lens of the eye, to the skin, and to the extremities which are:
 - A) An eye dose equivalent of 0.15 Sv (15 rem), and
 - B) A shallow dose equivalent of 0.5 Sv (50 rem) to the skin or to any extremity.

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- b) Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, shall be subtracted from the limits for planned special exposures that the individual may receive during the current year and during the individual's lifetime (see Section 340.260(e)).
 - c) The assigned deep dose equivalent and shallow dose equivalent shall be for the portion of the body receiving the highest exposure.
 - d) The deep dose equivalent, eye dose equivalent and shallow dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable.
 - e) Derived air concentration (DAC) and annual limit on intake (ALI) values are specified in Table 1 of Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions, and may be used to determine the individual's dose (see Section 340.1160) and to demonstrate compliance with the occupational dose limits.
 - f) Notwithstanding the annual dose limits, the licensee shall limit the soluble uranium intake by an individual to 10 milligrams in a week in consideration of chemical toxicity (see footnote 3 of Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions.)
- AGENCY NOTE: Appendix B to 10 CFR 20.1001 - 20.2401 was published at 56 FR 24409 (May 21, 1991). Corrections were published at 56 FR 61352 (December 3, 1991). An amendment was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.
- g) The licensee or registrant shall reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by any other person during the current year (see Section 340.250(a) and (d)).
- AGENCY NOTE: The purpose of this requirement is to ensure that no individual receives an annual occupational dose in excess of the occupational dose limits set forth in this Section.

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d) Intake Through Wounds or Absorption Through Skin. The licensee shall evaluate and, to the extent practicable, account for intakes through wounds or skin absorption. The intake through intact skin has been included in the calculation of DAC for hydrogen-3 and does not need to be further evaluated or accounted for pursuant to this subsection.

Section 340.230 Determination of External Dose from Airborne Radioactive Material

- a) Licensees shall, when determining the dose from airborne radioactive material, include the contribution to the deep dose equivalent, eye dose equivalent, and shallow dose equivalent from external exposure to the radioactive cloud (see footnotes 1 and 2 of Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions).

AGENCY NOTE: Appendix B to 10 CFR 20.1001 - 20.2401 was published at 56 FR 24409 (May 21, 1991). Corrections were published at 56 FR 61352 (December 3, 1991). An amendment was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

- b) Airborne radioactivity measurements and DAC values shall not be used as the primary means to assess the deep dose equivalent when the airborne radioactive material includes radionuclides other than noble gases or if the cloud of airborne radioactive material is not relatively uniform. The determination of the deep dose equivalent to an individual shall be based upon measurements using instruments or individual monitoring devices.

Section 340.240 Determination of Internal Exposure

- a) For purposes of assessing dose used to determine compliance with occupational dose equivalent limits, the licensee shall, when required pursuant to Section 340.520, take measurements of:
 - 1) Concentrations of radioactive materials in air in work areas during normal conditions of operations; or
 - 2) Quantities of radionuclides in the body after exposure to materials that could result in an intake; or
 - 3) Quantities of radionuclides excreted from the body after exposure to materials that could result in an intake; or

Section 340.220 Compliance with Requirements for Summation of External and Internal Doses

- a) General Requirement. If the licensee is required to monitor individual occupational dose pursuant to both Section 340.520(a) and (b), the licensee shall demonstrate compliance with the dose limits by summing external and internal doses. If the licensee or registrant is required to monitor individual occupational dose only pursuant to Section 340.520(a) or only pursuant to Section 340.520(b), then summation is not required to demonstrate compliance with the dose limits. The licensee may demonstrate compliance with the requirements for summation of external and internal doses pursuant to subsections (b), (c) and (d) below. The dose equivalents for the lens of the eye, the skin, and the extremities are not included in the summation, but are subject to separate limits.

- b) Intake by Inhalation. If the only intake of radionuclides is by inhalation, the total effective dose equivalent limit is not exceeded if the sum of the deep dose equivalent divided by the total effective dose equivalent limit, and one of the following, does not exceed unity:

- 1) The sum of the fractions of the inhalation ALI for each radionuclide, or
- 2) The total number of derived air concentration-hours (DAC-hours) for all radionuclides divided by 2,000, or
- 3) The sum of the calculated committed effective dose or equivalents to all significantly irradiated organs or tissues (T) calculated from bioassay data using biological models and expressed as a fraction of the annual limit. For purposes of this requirement, an organ or tissue is deemed to be significantly irradiated if, for that organ or tissue, the product of the weighting factor, w_R , and the committed dose equivalent, $H_{T,50}$, per unit intake is greater than ten percent of the maximum weighted value of $H_{T,50}$ (i.e., $w_R H_{T,50}$) per unit intake for any organ or tissue.

- c) Intake by Oral Ingestion. If the occupationally exposed individual receives an intake of radionuclides by oral ingestion greater than ten percent of the applicable oral ALI, the licensee shall account for this intake and include it in demonstrating compliance with the limits.

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- 4) Combinations of these measurements.
- b) Unless respiratory protective equipment is used, as provided in Section 340.730, or the assessment of intake is based on bioassays, the licensee shall assume that an individual inhales radioactive material at the airborne concentration in which the individual is present.
- c) When specific information on the physical and biochemical properties of the radionuclides taken into the body or the behavior of the material in an individual is known, the licensee may:
- 1) Use that information to calculate the committed effective dose equivalent, and, if used, the licensee shall document that information in the individual's record; and
 - 2) Upon prior approval of the Department, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material (e.g., aerosol size distribution or density); and
 - 3) Separately assess the contribution of fractional intakes of Class D, W, or Y compounds of a given radionuclide (see Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions, to the committed effective dose equivalent.)

AGENCY NOTE: Appendix B to 10 CFR 20.1001 - 20.2401 was published at 56 FR 24409 (May 21, 1991). Corrections were published at 56 FR 61352 (December 3, 1991). An amendment was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

- d) If the licensee chooses to assess intakes of Class Y material using the measurements specified in subsections (a)(2) or (3) above, the licensee may delay the recording and reporting of the assessments for periods up to 7 months, unless otherwise required by Sections 340.1220 or 340.1230.

ACFHE / H011 - This delay permits the licensee to make additional measurements basic to the assessments.

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- e) If the identity and concentration of each radionuclide in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours shall be either:
- 1) The sum of the ratios of the concentration to the appropriate DAC value (e.g., D, W, or Y) from Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions, for each radionuclide in the mixture; or
- AGENCY NOTE: Appendix B to 10 CFR 20.1001 - 20.2401 was published at 56 FR 24409 (May 21, 1991). Corrections were published at 56 FR 61352 (December 3, 1991). An amendment was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

- 2) The ratio of the total concentration for all radionuclides in the mixture to the most restrictive DAC value for any radionuclide in the mixture.

- f) If the identity of each radionuclide in a mixture is known, but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of any radionuclide in the mixture.

- g) When a mixture of radionuclides in air exists, a licensee may disregard certain radionuclides in the mixture if:

- 1) The licensee uses the total activity of the mixture in demonstrating compliance with the dose limits in Section 340.210 and in complying with the monitoring requirements in Section 340.520(b), and

- 2) The concentration of any radionuclide disregarded is less than ten percent of its DAC, and

- 3) The sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed 30 percent.

- h) When determining the committed effective dose equivalent, the following information may be considered:

- 1) In order to calculate the committed effective dose equivalent, the licensee may assume that the inhalation of

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b) Prior to permitting an individual to participate in a planned special exposure, the licensee shall:

1) Determine the cumulative occupational radiation dose.

A) In order to comply with this requirement, a licensee may accept, as the record of cumulative radiation dose, an up-to-date IDNS Form 4, or equivalent, signed by the individual and counter-signed by an appropriate official of the most recent employer for work involving radiation exposure, or the individual's current employers (if the individual is not employed by the licensee); and

B) Obtain reports of the individual's dose equivalent for the time period subsequent to that included in IDNS Form 4, or equivalent, as specified in subsection (1)(A) above. Such reports shall be signed by the individual and countersigned by an appropriate official(s) of the most recent employer(s) for work involving radiation exposure, or the individual's current employer(s) (if the individual is not employed by the licensee). The information shall be recorded on IDNS Form 5, or equivalent.

2) Determine the internal and external doses from all previous planned special exposures.

3) Determine all doses in excess of the limits received during the lifetime of the individual, including doses received during accidents and emergencies.

c) The licensee or registrant shall record the exposure history, as required by subsections (a) and (b) above, on IDNS Form 4 or 5, as applicable, or other clear and legible record containing all of the information required on that form.

1) The form or record shall show each period in which the individual received occupational exposure to sources of radiation and shall be signed by the individual who received the exposure. For each period for which the licensee or registrant obtains reports, the licensee or registrant shall use the dose shown in the report in preparing the exposure history. For any period in which the licensee or registrant does not obtain a report, the licensee or registrant shall

one ALI, or an exposure of 2,000 DAC-hours, results in a committed effective dose equivalent of 0.05 Sv (5 rem) for radionuclides that have their ALIs or DACs based on the committed effective dose equivalent.

For an ALI (and the associated DAC) determined by the nonstochastic organ dose limit of 0.5 Sv (50 rem), the intake of radionuclides that would result in a committed effective dose equivalent of 0.05 Sv (5 rem) (the stochastic ALI) is listed in parentheses in Table 1 of Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions. The licensee may, as a simplifying assumption, use the stochastic ALI to determine committed effective dose equivalent. However, if the licensee uses the stochastic ALI the licensee shall also demonstrate that the limit in Section 340.210(a)(1)(B) is met.

AGENCY NOTE: Appendix B to 10 CFR 20.1001 - 20.2401 was published at 56 FR 24409 (May 21, 1991). Corrections were published at 56 FR 61352 (December 3, 1991). An amendment was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

Section 340.250 Determination of Prior Occupational Dose

a) For each individual who may enter the licensee's or registrant's restricted area and is likely to receive, in a year, an occupational dose requiring monitoring pursuant to Section 340.520, the licensee or registrant shall determine the occupational radiation dose received during the current year prior to allowing such individual to enter a restricted area. In order to comply with this requirement, a licensee or registrant may accept, as a record of the occupational dose that the individual received during the current year, a written signed statement from the individual, or from the individual's most recent employers for work involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual may have received during the current year. To accomplish this, a licensee or registrant may use the Illinois Department of Nuclear Safety (IDNS) Form 5.

AGENCY NOTE: Licensees and registrants also should attempt to obtain the records of cumulative occupational radiation dose.

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place a notation on the exposure history indicating the periods of time for which data are not available.

- 2) For the purpose of complying with this requirement, licensees or registrants are not required to reevaluate the separate external dose equivalents and internal committed dose equivalents or intakes of radionuclides assessed before January 1, 1994. Further, although occupational exposure histories obtained and recorded before January 1, 1994, would not have included effective dose equivalent, such histories may be used in the absence of specific information on the intake of radionuclides by the individual.

- d) If the licensee or registrant is unable to obtain a complete record of an individual's current and previously accumulated occupational dose, the licensee or registrant:

- 1) When establishing administrative controls pursuant to Section 340.210(g) for the current year, shall assume that the allowable dose limit for the individual is reduced by 12.5 mSv (1.25 rem) for each calendar quarter for which records were unavailable and the individual was engaged in activities that could have resulted in occupational radiation exposure; and

- 2) Shall not authorize the individual to receive any planned special exposures.

- e) Records shall be retained in accordance with the requirements of Section 340.1140(a).

Section 340.260 Planned Special Exposures

A licensee may authorize an adult worker to receive doses in addition to, and accounted for separately from, the doses received under the limits specified in Section 340.210 provided that each of the following conditions are met:

a) The licensee authorizes a planned special exposure only in an exceptional situation when alternatives that might avoid the higher exposure are unavailable or impractical, such as an industrial radiography source retrieval for an area that cannot be

retrieved

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- h) The management official of the licensee and employer, if the employer is not the licensee, specifically authorize the planned special exposure, in writing, before the exposure occurs.

- i) Before a planned special exposure, the licensee ensures that each individual involved is:

- 1) Informed of the purpose of the planned operation; and
- 2) Informed of the estimated doses and associated potential risks and specific radiation levels or other conditions that might be involved in performing the task; and

- 3) Instructed in the measures to be taken to keep the dose ALARA considering other risks that may be present.

- d) Prior to permitting an individual to participate in a planned special exposure, the licensee ascertains previous doses received during the lifetime of the individual as required by Section 340.250(h).

- e) Subject to Section 340.210(h), the licensee shall not authorize a planned special exposure that would cause an individual's dose from all planned special exposures and all doses in excess of the limits to exceed:

- 1) The numerical values of any of the dose limits in Section 340.210(a) in any year; and
- 2) Five times the annual dose limits in Section 340.210(a) during the individual's lifetime.

- f) The licensee maintains records of the conduct of a planned special exposure in accordance with Section 340.1150 and submits a written report in accordance with Section 340.1240.

- g) The licensee records the best estimate of the dose resulting from the planned special exposure in the individual's record and informs the individual, in writing, of the dose within 30 days from the date of the planned special exposure. The dose from planned special exposures need not be considered in controlling future occupational dose of the individual pursuant to Section 340.210(a) but shall be included in evaluations required by subsections (d) and (e) above.

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Section 340.270 Occupational Dose Limits for Minors

The annual occupational dose limits for minors are ten percent of the annual occupational dose limits specified for adult workers in Section 340.210.

Section 340.280 Dose to an Embryo/Fetus

- a) Except as otherwise provided in subsections (d) and (e) below, the licensee or registrant shall ensure that the dose to an embryo/fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed 5 mSv (0.5 rem). (For recordkeeping requirements, see Section 340.1160(d).)

- b) The dose to an embryo/fetus shall be taken as the sum of:

- 1) The deep dose equivalent to the declared pregnant woman during the entire pregnancy; and
- 2) The dose to the embryo/fetus from radionuclides in the embryo/fetus and radionuclides in the declared pregnant woman during the entire pregnancy.
- c) The licensee or registrant shall make efforts to avoid substantial variation above a uniform monthly exposure rate to a declared pregnant woman so as to satisfy the limit in subsection (a) above.

AGENCY NOTE: The National Council on Radiation Protection and Measurements report entitled "Recommendations on Limits for Exposure to Ionizing Radiation," NCRP 91, published June 1, 1987, recommends that no more than 0.5 mSv (0.05 rem) of the allowed dose to the embryo/fetus be received during any one month during a declared pregnancy. A copy of this publication is available for inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

- d) If the declared pregnant woman has not notified the licensee or registrant of the estimated date of conception, the licensee or registrant shall ensure that the dose to an embryo/fetus, as specified in subsection (b) above, due to occupational exposure of the declared pregnant woman does not exceed 0.5 mSv (0.05 rem) per month, during the remainder of the pregnancy. If after initially declaring her pregnancy, a declared pregnant woman advises the licensee or registrant of the estimated date of conception, the dose limits specified in subsections (a) and (e) of this Section shall apply.

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AGENCY NOTE: The Department encourages licensees, and registrants to explain to declared pregnant workers that providing an estimated date of conception will enable the licensee or registrant to more accurately assess the radiation dose to the embryo/fetus and assist the licensee or registrant in determining appropriate precautions to be taken for the remainder of the pregnancy.

- e) If by the time the woman informs the licensee or registrant of the estimated date of conception the dose to the embryo/fetus has exceeded 4.5 mSv (0.45 rem), the licensee or registrant shall be deemed to be in compliance with subsection (a) above if the additional dose to the embryo/fetus as specified in subsection (b) above, does not exceed 0.5 mSv (0.05 rem) during the remainder of the pregnancy.

SUBPART D: RADIATION DOSE LIMITS FOR INDIVIDUAL MEMBERS OF THE PUBLIC

Section 340.310 Dose Limits for Individual Members of the Public

- a) Each licensee or registrant shall conduct operations so that:

- 1) The dose in any unrestricted area from external sources does not exceed 0.02 mSv (0.002 rem) in any one hour; and
- 2) The total effective dose equivalent to individual members of the public from the licensed or registered operation, exclusive of the dose contribution from the licensee's disposal of radioactive material into sanitary sewerage in accordance with Section 340.1030, does not exceed:
 - A) 5 mSv (0.5 rem) in any year at locations within facilities where sources of radiation were installed before January 1, 1994, and the use of the source of radiation does not change on or after January 1, 1994; or
 - B) 1 mSv (0.1 rem) in any year at locations within facilities where sources of radiation are installed or where the source of radiation or its use changes on or after January 1, 1994.

AGENCY NOTE: It is the Department's intent to allow facilities designed to the 5 mSv (0.5 rem) limit to continue to use the 5 mSv (0.5 rem) total effective dose equivalent limit for a member of the public. This includes locations

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where the intensity of a source of radiation is not increased beyond the design basis, the type of radiation use is not changed, and the type of facility use is not changed.

- b) A registrant, a licensee, or an applicant for a license may apply for prior Department authorization to operate up to an annual dose limit for an individual member of the public of 5 mSv (0.5 rem). This application shall include the following information:

- 1) Demonstration of the need for and the expected duration of operations in excess of the limit in subsection (a)(2)(B) above; and
- 2) The licensee's or registrant's program to assess and control dose within the 5 mSv (0.5 rem) annual limit; and
- 3) The procedures to be followed to maintain the dose ALARA.

- c) Prior to allowing a member of the public to enter a restricted area, the licensee or registrant shall give instructions on radiation hazards and protective measures to that individual.

Section 340.320 Compliance with Dose Limits for Individual Members of the Public

- a) The licensee or registrant shall make or cause to be made surveys of radiation levels in unrestricted areas. In addition, licensees shall survey radioactive materials in effluents released to unrestricted areas. These surveys are to demonstrate compliance with the dose limits for individual members of the public in Section 340.310.

- b) A licensee or registrant shall show compliance with the annual dose limit in Section 340.310 by:

- 1) Demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed or registered operation does not exceed the annual dose limit; or

- 2) Demonstrating that:

- A) The annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in Table 2 of Appendix B to 10

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CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions; and

AGENCY NOTE: Appendix B to 10 CFR 20.1001 - 20.2401 was published at 56 FR 24409 (May 21, 1991).

Corrections were published at 56 FR 61352 (December 3, 1991). An amendment was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

- B) If an individual were continuously present in an unrestricted area, the dose from external sources would not exceed 0.02 mSv (0.002 rem) in an hour and 0.5 mSv (0.05 rem) in a year.

- c) Upon approval from the Department, the licensee may adjust the effluent concentration values in Table 2 of Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions, for members of the public, to take into account the actual physical and chemical characteristics of the effluents (e.g., aerosol size distribution, solubility, density, radioactive decay equilibrium, and chemical form).

AGENCY NOTE: Appendix B to 10 CFR 20.1001 - 20.2401 was published at 56 FR 24409 (May 21, 1991). Corrections were published at 56 FR 61352 (December 3, 1991). An amendment was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

SUBPART E: TESTING FOR LEAKAGE OR CONTAMINATION OF SEALED SOURCES

Section 340.410 Testing for Leakage or Contamination of Sealed Sources

- a) The licensee in possession of any sealed source shall assure that:

- 1) Each sealed source, except as specified in subsection (b) below, is tested for leakage or contamination and the test results are received before the sealed source is put into use unless the licensee has a certificate from the transferor indicating that the sealed source was tested within 6 months before transfer to the licensee.

- 2) Each sealed source that is not designed to emit alpha particles is tested for leakage or contamination at

intervals not to exceed 6 months or at alternative intervals approved by the Department, pursuant to 32 Ill. Adm. Code 330.280(m), an Agreement State, a Licensing State, or the U.S. Nuclear Regulatory Commission.

- 3) Each sealed source that is designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed 3 months or at alternative intervals approved by the Department, pursuant to 32 Ill. Adm. Code 330.280(m), an Agreement State, a Licensing State, or the Nuclear Regulatory Commission.
- 4) For each sealed source that is required to be tested for leakage or contamination, at any other time there is reason to suspect that the sealed source might have been damaged or might be leaking, the licensee shall assure that the sealed source is tested for leakage or contamination before further use.
- 5) Tests for leakage for all sealed sources, except brachytherapy sources manufactured to contain radium, shall be capable of detecting the presence of 185 Bq (0.005 uCi) of radioactive material on a test sample. Test samples shall be taken from the sealed source or from the surfaces of the container in which the sealed source is stored or mounted on which one might expect contamination to accumulate. For a sealed source contained in a device, test samples are obtained when the source is in the "off" position.
- 6) The test for leakage for brachytherapy sources manufactured to contain radium shall be capable of detecting an absolute leakage rate of 37 Bq (0.001 uCi) of radon-222 in a 24 hour period when the collection efficiency for radon-222 and its daughters has been determined with respect to collection method, volume and time.
- 7) Tests for contamination from radium daughters shall be taken on the interior surface of brachytherapy source storage containers and shall be capable of detecting the presence of 185 Bq (0.005 uCi) of a radium daughter which has a half-life greater than 4 days.
- b) A licensee need not perform test for leakage or contamination on the following sealed sources:
 - 1) Sealed sources, containing only radioactive material with a half-life of less than 30 days;
 - 2) Sealed sources containing only radioactive material as a gas;
 - 3) Sealed sources containing 3.7 MBq (100 uCi) or less of beta or photon-emitting material or 370 kBq (10 uCi) or less of alpha emitting material;
 - 4) Sealed sources containing only hydrogen-3;
 - 5) Seeds of iridium-192 encased in nylon ribbon; and
 - 6) Sealed sources, except teletherapy and brachytherapy sources, which are stored, not being used and identified as in storage. The licensee shall, however, test each such sealed source for leakage or contamination and receive the test results before any use or transfer unless it has been tested for leakage or contamination within 6 months before the date of use or transfer.

- c) Tests for leakage or contamination from sealed sources shall be performed by persons specifically authorized by the Department, an Agreement State, a Licensing State, or the Nuclear Regulatory Commission to perform such services.
- d) Test results shall be kept in units of becquerel or microcurie and maintained for inspection by the Department.
- e) The following shall be considered evidence that a sealed source is leaking:
 - 1) The presence of 185 Bq (0.005 uCi) or more of removable contamination on any test sample.
 - 2) Leakage of 37 Bq (0.001 uCi) of radon-222 per 24 hours for brachytherapy sources manufactured to contain radium.
 - 3) The presence of removable contamination resulting from the decay of 185 Bq (0.005 uCi) or more of radium.
- f) The licensee shall immediately withdraw a leaking sealed source from use and shall take action to prevent the spread of contamination. The leaking sealed source shall be repaired or disposed of in accordance with this Part.

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- g) Reports of test results for leaking or contaminated sealed sources shall be made pursuant to Section 340.1260.

SUBPART F: SURVEYS AND MONITORING

Section 340.510 General

- a) Each licensee or registrant shall make, or cause to be made, surveys:

- 1) That demonstrate compliance with this Part; and
- 2) That evaluate:
 - A) The extent of radiation levels; and
 - B) Concentrations or quantities of radioactive material; and
 - C) The potential radiological hazards that could be present.

- b) The licensee or registrant shall ensure that instruments and equipment used for quantitative radiation measurements (e.g., dose rate and effluent monitoring) are calibrated at intervals not to exceed 12 months for the radiation measured or at alternative intervals specified in regulations of the Department, an Agreement State, a Licensing State, or the Nuclear Regulatory Commission.

- c) Personnel dosimeters, except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to any extremity, that require processing to determine the radiation dose and that are used by licensees or registrants to comply with Section 340.210, with other applicable provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, or with conditions specified in a license shall be processed and evaluated by a qualified dosimetry processor. A dosimetry processor is qualified if:

- 1) It holds current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and
- 2) It is approved by NVLAP for the type of radiation or radiations that most closely approximates the type of

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radiation or radiations for which the individual wearing the dosimeter is monitored.

- d) The licensee or registrant shall ensure that adequate precautions are taken to prevent deceptive exposure of an individual monitoring device.

Section 340.520 Conditions Requiring Individual Monitoring of External and Internal Occupational Dose

Each licensee or registrant shall monitor doses from sources of radiation at levels sufficient to demonstrate compliance with the occupational dose limits of this Part. As a minimum:

- a) Each licensee or registrant shall monitor occupational dose from sources of radiation and shall supply and require the use of individual monitoring devices by:
- 1) Adults likely to receive, in 1 year from sources external to the body, a dose in excess of ten percent of the limits in Section 340.210(a), and
 - 2) Minors and declared pregnant women likely to receive, in 1 year from sources external to the body, a dose in excess of ten percent of any of the applicable limits in Sections 340.270 or 340.280, and
 - 3) Individuals entering a high or very high radiation area.

- b) Each licensee shall monitor, to determine compliance with Section 340.240, the occupational intake of radioactive material by and assess the committed effective dose equivalent to:

- 1) Adults likely to receive, in 1 year, an intake in excess of ten percent of the applicable ALIs in Table 1, Columns 1 and 2 of Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions; and

AGENCY NOTE: Appendix B to 10 CFR 20.1001 - 20.2401 was published at 56 FR 24409 (May 21, 1991). Corrections were published at 56 FR 61352 (December 3, 1991). An amendment was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

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- 2) Minors and declared pregnant women likely to receive, in 1 year, a committed effective dose equivalent in excess of 0.5 mSv (0.05 rem).

Section 340.530 Location of Individual Monitoring Devices

Each licensee or registrant shall ensure that individuals who are required to monitor occupational doses in accordance with Section 340.520(a) wear individual monitoring devices as follows:

- a) An individual monitoring device used for monitoring the dose to the whole body shall be worn at the unshielded location of the whole body likely to receive the highest exposure. When a protective apron is worn, the location of the individual monitoring device is typically at the neck (collar).
- b) An individual monitoring device used for monitoring the dose to an embryo/fetus of a declared pregnant woman, pursuant to Section 340.280(a), shall be located at the waist under any protective apron being worn by the woman.
- c) An individual monitoring device used for monitoring the eye dose equivalent, to demonstrate compliance with Section 340.210(a)(2) (A), shall be located at the neck (collar), outside any protective apron being worn by the monitored individual, or at an unshielded location closer to the eye.
- d) An individual monitoring device used for monitoring the dose to the extremities, to demonstrate compliance with Section 340.210(a)(2)(B), shall be worn on the extremity likely to receive the highest exposure. Each individual monitoring device shall be oriented to measure the highest dose to the extremity being monitored.

SUBPART G: CONTROL OF EXPOSURE FROM EXTERNAL SOURCES IN RESTRICTED AREAS

Section 340.610 Control of Access to High Radiation Areas

- a) The licensee shall ensure that each entrance or access point to a high radiation area has one or more of the following features:
 - 1) A control device that, upon entry into the area, causes the level of radiation to be reduced below that level at which an individual might receive a deep dose equivalent of 1 mSv (0.1 rem) in 1 hour at 30 centimeters from the source of

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radiation or from any surface that the radiation penetrates; or

- 2) A control device that energizes a conspicuous visible or audible alarm signal so that the individual entering the high radiation area and the supervisor of the activity are made aware of the entry; or
- 3) Entryways that are locked, except during periods when access to the areas is required, with positive control over each individual entry.
- b) In place of the controls required by subsection (a) above for a high radiation area, the licensee may substitute continuous direct or electronic surveillance to enable action to be taken to prevent unauthorized entry.
- c) The licensee may apply to the Department for approval of alternative methods for controlling access to high radiation areas.
- d) The licensee shall establish the controls required by subsections (a) and (c) above in a way that does not prevent individuals from leaving a high radiation area.
- e) The licensee is not required to control each entrance or access point to a room or other area that is a high radiation area solely because of the presence of radioactive materials prepared for transport and packaged and labeled in accordance with the regulations of the U.S. Department of Transportation provided that:
 - 1) The packages do not remain in the area longer than 3 days; and
 - 2) The dose rate at 1 meter from the external surface of any package does not exceed 0.1 mSv (0.01 rem) per hour.
- f) The licensee is not required to control entrance or access to rooms or other areas in hospitals solely because of the presence of patients containing radioactive material, provided that there are personnel in attendance who are taking the necessary precautions, as required by 32 Ill. Adm. Code 335, to prevent the exposure of individuals to radiation or radioactive material in excess of the limits established in this Part and to operate

within the ALARA provisions of the licensee's radiation protection program.

- g) The registrant shall control entrance or access to rooms or other areas containing sources of radiation capable of producing a high radiation area as described in this Section in accordance with the requirements for access and control specified in other applicable Parts of 32 Ill. Adm. Code: Chapter II, Subchapters b and d (i.e., 32 Ill. Adm. Code 350 for industrial radiography, 32 Ill. Adm. Code 360 for use of x-rays in the healing arts and 32 Ill. Adm. Code 390 for particle accelerators).

Section 340.620 Control of Access to Very High Radiation Areas

In addition to the controls required by Section 340.610, the licensee or registrant shall institute measures to ensure that an individual is not able to gain unauthorized or inadvertent access to areas in which radiation levels could be encountered at 5 Gy (500 rad) or more in 1 hour at 1 meter from a source of radiation or any surface through which the radiation penetrates.

Section 340.630 Control of Access to Very High Radiation Areas - Irradiators

- a) This Section applies to licensees or registrants with sources of radiation in irradiators that are not self-shielded. This Section does not apply to sources of radiation that are used in teletherapy, in industrial radiography, or in completely self-shielded irradiators in which the source is both stored and operated within the same radiation shielding barrier and, in the designed configuration of the irradiator, is always physically inaccessible to any individual and cannot create a radiation level of 5 Gy (500 rad) or more in 1 hour at 1 meter in an area that is accessible to any individual.

- b) Each area in which there may exist radiation levels in excess of 5 Gy (500 rad) in 1 hour at 1 meter from a source of radiation that is used to irradiate matter shall meet the following requirements:

- 1) Each entrance or access point shall be equipped with entry control devices that:
 - A) function automatically to prevent any individual from inadvertently entering a very high radiation area; and
 - B) Permit deliberate entry into the area only after a control device is actuated that causes the radiation

level within the area, from the source of radiation, to be reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 1 mSv (0.1 rem) in 1 hour; and

- C) Prevent operation of the source of radiation if it would produce radiation levels in the area that could result in a deep dose equivalent to an individual in excess of 1 mSv (0.1 rem) in 1 hour.

- 2) Additional control devices shall be provided so that, upon failure of the entry control devices to function as required by subsection (b)(1) above:
 - A) The radiation level within the area, from the source of radiation, is reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 1 mSv (0.1 rem) in 1 hour; and
 - B) Conspicuous visible and audible alarm signals are generated to make an individual attempting to enter the area aware of the hazard. The alarm signals shall be located so that at least one other authorized individual, who is physically present, familiar with the activity, and prepared to render or summon assistance, is made aware of the failure of the entry control devices.

- 3) The licensee or registrant shall provide control devices so that, upon failure or removal of any physical radiation barriers, other than the shielded storage container for sealed sources:
 - A) The radiation level from the source of radiation is reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 1 mSv (0.1 rem) in 1 hour; and
 - B) Conspicuous visible and audible alarm signals are generated to make potentially affected individuals aware of the hazard and the licensee or registrant or at least one other individual, who is familiar with the activity and prepared to render or summon assistance, aware of the failure or removal of the physical barriers.

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a schedule for periodic tests of the entry control and warning systems.

- 10) The licensee or registrant shall not conduct operations, other than those necessary to place the source of radiation in safe condition or to effect repairs on controls, unless control devices are functioning properly.
- 11) Entry and exit portals that are used in transporting matter to and from the irradiation area, and that are not intended for use by individuals, shall be controlled by such devices and administrative procedures as are necessary to physically protect and warn against inadvertent entry by any individual through these portals. Exit portals for irradiated matter shall be equipped to detect and signal the presence of any loose sealed sources that are carried toward such an exit and to automatically prevent loose sealed sources from being carried out of the area.

c) Registrants, licensees, or applicants for licenses for sources of radiation that are within the purview of subsection (b) above and which will be used in a variety of positions or in locations (e.g., open fields or forests) that make it impracticable to comply with certain requirements of subsection (b) above, such as those for the automatic control of radiation levels, may apply to the Department for approval of alternative safety measures. Alternative safety measures shall provide personnel protection at least equivalent to those specified in subsection (b) above. At least one of the alternative measures shall include an entry-preventing interlock control based on a measurement of the radiation that ensures the absence of high radiation levels before an individual can gain access to the area where such sources of radiation are used.

d) The entry control devices required by subsections (b) and (c) above shall be established in such a way that no individual will be prevented from leaving the area.

SUBPART H: RESPIRATORY PROTECTION AND CONTROLS TO RESTRICT INTERNAL EXPOSURE IN RESTRICTED AREAS

Section 340.710 Use of Process or Other Engineering Controls

The licensee shall use, to the extent practicable, process or other engineering controls (e.g., containment or ventilation) to control the concentrations of radioactive material in air.

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4) When the shield for the stored sealed source is a liquid, the licensee shall provide means to monitor the integrity of the shield and to signal, automatically, loss of adequate shielding.

5) Physical radiation barriers that comprise permanent structural components, such as walls, that have no credible probability of failure or removal in ordinary circumstances need not meet the requirements of subsections (b)(3) and (4) above.

6) Each area shall be equipped with devices that will automatically generate conspicuous visible and audible alarm signals to alert personnel in the area before the source of radiation can be put into operation and in time for any individual in the area to operate a clearly identified control device, which must be installed in the area and which can prevent the source of radiation from being put into operation.

7) Each area shall be controlled by use of devices and administrative procedures that ensure that the area is cleared of personnel prior to each use of the source of radiation.

8) Each area shall be checked by a radiation measurement to ensure that, prior to the first individual's entry into the area after any use of the source of radiation, the radiation level from the source of radiation in the area is below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 1 mSv (0.1 rem) in 1 hour.

9) The entry control devices required in subsection (b)(1) above shall be tested for proper functioning (see Section 340.1190 for recordkeeping requirements).

A) Testing shall be conducted prior to initial operation with the source of radiation on any day, unless operations were continued uninterrupted from the previous day; and

B) Testing shall be conducted prior to resumption of operation of the source of radiation after any unintentional interruption; and

C) The licensee or registrant shall submit and adhere to

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Section 340.720 Use of Other Controls

When it is not practicable to apply process or other engineering controls to control the concentrations of radioactive material in air to values below those that define an airborne radioactivity area, the licensee shall, consistent with maintaining the total effective dose equivalent ALARA, increase monitoring and limit intakes by one or more of the following means:

- a) Control of access; or
- b) Limitation of exposure times; or
- c) Use of respiratory protection equipment; or
- d) Other controls.

Section 340.736 Use of Individual Respiratory Protection Equipment

- a) If the licensee uses respiratory protection equipment to limit intakes pursuant to Section 340.720:

- 1) Except as provided in subsection (a)(2) below, the licensee shall use only respiratory protection equipment that is tested and certified or had certification extended by the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration (NIOSH/MSHA).
- 2) The licensee may use equipment that has not been tested or certified by NIOSH/MSHA, has not had certification extended by NIOSH/MSHA, or for which there is no schedule for testing or certification, provided the licensee has submitted to the Department and the Department has approved an application for authorized use of that equipment, including a demonstration by testing, or a demonstration on the basis of test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use.

- 3) The licensee shall implement and maintain a respiratory protection program that includes:

- a) Air sampling to identify the potential hazard, permit proper equipment selection, and estimate exposures; and

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- B) Surveys and bioassays to evaluate actual intakes; and
- C) Testing of respirators for operability immediately prior to each use; and
- D) Written procedures regarding selection, fitting, issuance, maintenance, and testing of respirators, including testing for operability immediately prior to each use; supervision and training of personnel; monitoring, including air sampling and bioassays; and recordkeeping; and

- E) Determination by a physician prior to initial fitting of respirators, and at least every 12 months thereafter, that the individual user is physically able to use the respiratory protection equipment.

- 4) The licensee shall issue a written policy statement on respirator usage covering:

- A) The use of process or other engineering controls, instead of respirators; and
- B) The routine, nonroutine, and emergency use of respirators; and
- C) The length of periods of respirator use and relief from respirator use.

- 5) The licensee shall advise each respirator user that the user may leave the area at any time for relief from respirator use in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions, or any other conditions that might require such relief.

- 6) The licensee shall use respiratory protection equipment within the equipment manufacturer's expressed limitations for type and mode of use and shall provide proper visual, communication, and other special capabilities (e.g., adequate lighting, etc.) when such are necessary.

- b) When estimating exposure of individuals to airborne radioactive materials, the licensee shall use the most conservative protection equipment used to limit intakes pursuant to Section

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was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

- c) The licensee shall use as emergency equipment only respiratory protection equipment that has been specifically certified or had certification extended for emergency use by NIOSH/MSHA.
- d) The licensee shall notify the Department, in writing, at least 30 days before the date that respiratory protection equipment is first used pursuant to the provisions of either subsection (a) or (b) above.

SUBPART I: STORAGE AND CONTROL OF LICENSED OR REGISTERED SOURCES OF RADIATION

Section 340.810 Security and Control of Licensed or Registered Sources of Radiation

- a) The licensee shall secure licensed radioactive material from unauthorized removal or access.
- b) The licensee shall maintain constant surveillance, and use devices or administrative procedures to prevent unauthorized use of licensed radioactive material that is in an unrestricted area and that is not in storage.
- c) The registrant shall secure registered radiation machines from unauthorized removal.
- d) The registrant shall use devices or administrative procedures to prevent unauthorized use of registered radiation machines.

SUBPART J: PRECAUTIONARY PROCEDURES

Section 340.910 Caution Signs

- a) Standard Radiation Symbol. Unless otherwise authorized by the Department, the symbol prescribed by this Part shall use the colors magenta, or purple, or black on yellow background. The symbol prescribed by this Part is the three-bladed design as shown in Section 340.111 Illustration A.
- b) Exception to Color Requirements for Standard Radiation Symbol. Notwithstanding the requirements of subsection (a) above,

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340.720, provided that the following conditions, in addition to those in subsection (a) above, are satisfied:

- 1) The licensee selects respiratory protection equipment that provides a protection factor, specified in Appendix A to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions, greater than the multiple by which peak concentrations of airborne radioactive materials in the working area are expected to exceed the values specified in Table 1, Column 3 of Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, if exclusive of subsequent amendments or editions. However, if the selection of respiratory protection equipment with a protection factor greater than the peak concentration is inconsistent with the goal specified in Section 340.720 of keeping the total effective dose equivalent ALARA, the licensee may select respiratory protection equipment with a lower protection factor provided that such a selection would result in a total effective dose equivalent in the air that is The concentration of radioactive material in the air that is inhaled when respirators are worn may be initially estimated by dividing the average concentration in air, during each period of uninterrupted use, by the protection factor. If the exposure is later found to be greater than initially estimated, the corrected value shall be used; if the exposure is later found to be less than initially estimated, the corrected value may be used.

- 2) The licensee shall obtain authorization from the Department before assigning respiratory protection factors in excess of those specified in Appendix A to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions. The Department shall authorize a licensee to use higher protection factors on receipt of an application that:
 - A) Demonstrates that a need exists for higher protection factors, and
 - B) Demonstrates that the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

AGENCY NOTE: Appendix A to 10 CFR 20.1001 - 20.2401 was published at 56 FR 23408 (May 21, 1991). Corrections were published at 56 FR 61352 (December 3, 1991). An amendment

licensees or registrants are authorized to label sources, source holders, or device components containing sources of radiation that are subjected to high temperatures, with conspicuously etched or stamped radiation caution symbols and without a color requirement.

- c) Additional Information on Signs and Labels. In addition to the contents of signs and labels prescribed in this Part, the licensee or registrant may provide, on or near the required signs and labels, information to make individuals aware of potential radiation exposures and to minimize the exposures.

Section 340.920 Posting Requirements

- a) Posting of Radiation Areas. The licensee or registrant shall post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIATION AREA".

- b) Posting of High Radiation Areas. The licensee or registrant shall post each high radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, HIGH RADIATION AREA" or "DANGER, HIGH RADIATION AREA". The licensee or registrant may satisfy this requirement by posting the sign required by this subsection at the boundary of the radiation area.

- c) Posting of Very High Radiation Areas. The licensee or registrant shall post each very high radiation area with a conspicuous sign or signs bearing the radiation symbol and words "GRAVE DANGER, VERY HIGH RADIATION AREA". The licensee or registrant may satisfy this requirement by posting the sign required by this subsection at the boundary of the high radiation area or at the boundary of the radiation area.

- d) Posting of Airborne Radioactivity Areas. The licensee shall post each airborne radioactivity area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, AIRBORNE RADIOACTIVITY AREA" or "DANGER, AIRBORNE RADIOACTIVITY AREA".

- e) Posting of Areas or Rooms in Which Licensed Material is Used or Stored. The licensee shall post each area or room in which there is used or stored an amount of licensed material exceeding ten times the quantity of such material specified in Appendix C to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions, with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL(S)" or "DANGER, RADIOACTIVE MATERIAL(S)".

AGENCY NOTE: Appendix C to 10 CFR 20.1001 - 20.2401 was published at 56 FR 23465 (May 21, 1991). Corrections were published at 56 FR 61352 (December 3, 1991). An amendment was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

Section 340.930 Exceptions to Posting Requirements

- a) A licensee or registrant is not required to post caution signs in areas or rooms containing sources of radiation for periods of less than 8 hours, if each of the following conditions is met:

- 1) The sources of radiation are constantly attended during these periods by an individual who takes the precautions necessary to prevent the exposure of individuals to sources of radiation in excess of the limits established in this Part; and
 - 2) The area or room is subject to the licensee's or registrant's control.
- b) Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant to Section 340.920 provided that the requirements of 32 Ill. Adm. Code 335.5030(a)(4) or 335.7030(b) are met.
- c) Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs, provided that:
- 1) A patient being treated with a permanent implant could be released from confinement pursuant to 32 Ill. Adm. Code 335.2110; or
 - 2) A patient being treated with a therapeutic radiopharmaceutical could be released from confinement pursuant to 32 Ill. Adm. Code 335.5030(b).
- d) A room or area is not required to be posted with a caution sign because of the presence of a sealed source provided the radiation level at 30 centimeters (12 inches) from the surface of the sealed source container or housing does not exceed 0.05 mSv (0.005 rem) per hour.
- e) A room or area is not required to be posted with a caution sign

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because of the presence of radiation machines used solely for diagnosis in the healing arts.

Section 340.940 Labeling Containers and Radiation Machines

- a) The licensee shall ensure that each container of licensed material bears a durable, clearly visible label bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL". The label shall also provide information (such as the radionuclides present, an estimate of the quantity of radioactivity, the date for which the activity is estimated, radiation levels, kinds of materials, and mass enrichment) to permit individuals handling or using the containers, or working in the vicinity of the containers, to take precautions to avoid or minimize exposures.
- b) Each licensee shall, prior to removal or disposal of empty uncontaminated containers to unrestricted areas, remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive materials.
- c) Each registrant shall ensure that each radiation machine is labeled in a manner that cautions individuals that radiation is produced when it is energized.

Section 340.950 Exemptions to Labeling Requirements

A licensee is not required to label:

- a) Containers holding licensed material in quantities less than the quantities listed in Appendix C to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions; or
- b) Containers holding licensed material in concentrations less than those specified in Table 3 of Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions; or

AGENCY NOTE: Appendix B to 10 CFR 20.1001 - 20.2401 was published at 56 FR 24409 (May 21, 1991). Corrections were published at 56 FR 61352 (December 3, 1991). An amendment was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

- c) Containers attended by an individual who takes the precautions (e.g., controlling access) necessary to prevent the exposure of individuals in excess of the limits established by this Part; or
 - d) Containers when they are in transport, provided the containers are packaged and labeled in accordance with the regulations of the U.S. Department of Transportation; or
- AGENCY NOTE: Labeling of packages containing radioactive materials is required by the U.S. Department of Transportation if the amount and type of radioactive material exceeds the limits for an excepted quantity or article as defined and limited by 49 CFR 173.403(m) and (w) and 173.421 through 173.424, current as October 1, 1991, exclusive of subsequent amendments or editions. A copy of 49 CFR Part 173 is available for inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.
- e) Containers that are accessible only to individuals authorized to handle or use them, or to work in the vicinity of the containers, if the contents are identified to these individuals by a readily available written record (examples of containers of this type are containers in locations such as water-filled canals, storage vaults, or hot cells). The record shall be retained as long as the containers are in use for the purpose indicated on the record; or
 - f) Installed manufacturing or process equipment, such as piping and tanks.

Section 340.960 Procedures for Receiving and Opening Packages

- a) Each licensee who is authorized to receive a package containing quantities of radioactive material in excess of a Type A quantity, as defined in 32 Ill. Adm. Code 341.20, as listed in 49 CFR 173.435 revised as of September 29, 1988, or as derived from 49 CFR 173.433 revised as of March 19, 1985.

AGENCY NOTE: Copies of 49 CFR 100 - 177 are available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

- 1) Make arrangements to receive the package when the carrier offers it for delivery; or
- 2) Make arrangements to receive the notification of the arrival

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of the package at the carrier's terminal and to take possession of the package expeditiously.

- b) Each licensee shall:
- 1) Monitor the external surfaces of a labeled package for radioactive contamination unless the package contains only radioactive material in the form of a gas or in special form radioactive material as defined in 32 Ill. Adm. Code 310.20;

AGENCY NOTE: Labeled means labeled with a Radioactive White I, Yellow II, or Yellow III label as specified in U.S. Department of Transportation regulations, 49 CFR 172.403 and 172.436-440, current as of October 1, 1991, exclusive of subsequent amendments or additions. A copy of 49 CFR Part 172 is available for inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

- 2) Monitor the external surfaces of a labeled package for radiation levels unless the package contains quantities of radioactive material that are less than or equal to the Type A quantity, as defined in 32 Ill. Adm. Code 341.20, as listed in 49 CFR 173.435 revised as of September 29, 1988, or as derived from 49 CFR 173.433 revised as of March 19, 1985.

AGENCY NOTE: Copies of 49 CFR 100 - 177 are available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

- 3) Monitor all packages known to contain radioactive material for radioactive contamination and radiation levels if there is evidence of degradation of package integrity, such as packages that are crushed, wet, or damaged.

c) The licensee shall perform the monitoring required by subsection (b) above as soon as practicable after receipt of the package, but not later than 3 hours after the package is received at the licensee's facility if it is received during the licensee's normal working hours or if there is evidence of degradation of package integrity, such as a package that is crushed, wet, or damaged. If a package is received after working hours, and has no evidence of degradation of package integrity, the package shall be monitored no later than 3 hours from the beginning of the next working day.

- d) The licensee shall immediately notify the final delivery carrier

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and the Department, by telephone and either telegram, mailgram, or facsimile, when:

- 1) Removable radioactive surface contamination exceeds the limits of 32 Ill. Adm. Code 341.150(h); or
- 2) External radiation levels exceed the limits of 32 Ill. Adm. Code 341.150(i) and (j).

e) Each licensee shall:

- 1) Establish, maintain, and retain written procedures for safely opening packages in which radioactive material is received; and
- 2) Ensure that the procedures are followed and that special instructions for the type of package being opened are adhered to.

SURPART K: WASTF DISPOSAL

Section 340.1010 General Requirements

a) A licensee shall dispose of licensed material only:

- 1) By transfer to an authorized recipient as provided in Section 340.1060 or in 32 Ill. Adm. Code 330, 332, or 601, or to the U.S. Department of Energy; or
- 2) By release in effluents within the limits in Section 340.310; or
- 3) As authorized pursuant to Sections 340.1020, 340.1030, 340.1040, or 340.1050.

b) A person shall be specifically licensed by the Department prior to receiving waste containing licensed material from any other point of generation for:

- 1) Treatment prior to disposal; or
- 2) Treatment or disposal by incineration; or
- 3) Disposal at a land disposal facility licensed pursuant to 32 Ill. Adm. Code 601; or

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- 4) Storage until transferred to a disposal facility authorized to receive the waste.

Section 340.1020 Method for Obtaining Approval of Proposed Disposal Procedures

A licensee or applicant for a license may apply to the Department for approval of proposed procedures, not otherwise authorized in 32 Ill. Adm. Code: Chapter 11, Subchapters b and d, to dispose of licensed material generated in the licensee's operations. Each application shall include:

- a) A description of the waste containing licensed material to be disposed of, including the physical and chemical properties that have an impact on risk evaluation, and the proposed manner and conditions of waste disposal; and
- b) An analysis and evaluation of pertinent information on the nature of the environment; and
- c) The nature and location of other potentially affected facilities; and
- d) Analyses and procedures to ensure that doses are maintained ALARA and within the dose limits in this Part.

Section 340.1030 Disposal by Release into Sanitary Sewerage

- a) A licensee may discharge licensed material into sanitary sewerage if each of the following conditions is satisfied:
 - 1) The material is readily soluble, or is readily dispersible biological material, in water; and
 - 2) The quantity of licensed radioactive material that the licensee releases into the sewer in 1 month divided by the average monthly volume of water released into the sewer by the licensee does not exceed the concentration listed in Table 3 of Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions; and
 - 3) If more than one radionuclide is released, the following conditions must also be satisfied:
 - A) The licensee shall determine the fraction of the limit in Table 3 of Appendix B to 10 CFR 20.1001 - 20.2401,

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effective January 1, 1994, exclusive of subsequent amendments or editions, represented by discharges into sanitary sewerage by dividing the actual monthly average concentration of each radionuclide released by the licensee into the sewer by the concentration of that radionuclide listed in Table 3 of Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions; and

AGENCY NOTE: Appendix B to 10 CFR 20.1001 - 20.2401 was published at 56 FR 24409 (May 21, 1991). Corrections were published at 56 FR 61352 (December 3, 1991). An amendment was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

- B) The sum of the fractions for each radionuclide required by subsection (a)(3)(A) above does not exceed unity; and
 - 4) The total quantity of licensed radioactive material that the licensee releases into sanitary sewerage in a year does not exceed 185 GBq (5 Ci) of hydrogen-3, 37 GBq (1 Ci) of carbon-14, and 37 GBq (1 Ci) of all other radioactive materials combined.
 - 5) In determining compliance with subsections (a)(1), (a)(2), (a)(3) and (a)(4) above, the licensee shall not include the activity from radioactive material excluded by subsection (b) below.
 - b) Excreta from individuals undergoing medical diagnosis or therapy with radioactive material are not subject to the limitations contained in subsection (a) above.
- Section 340.1040 Treatment or Disposal by Incineration
- A licensee may treat or dispose of licensed material by incineration only in the amounts and forms specified in Section 340.1050 or as specifically approved by the Department pursuant to Section 340.1020.
- Section 340.1050 Disposal of Specific Wastes
- a) A licensee may dispose of the following licensed material as if it were not radioactive:
 - A) A licensee may dispose of the following licensed material as if it

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- 1) 1.85 kBq (0.05 uCi), or less, of hydrogen-3, carbon-14, or iodine-125 per gram of medium used for scintillation counting; and
 - 2) 1.85 kBq (0.05 uCi), or less, of hydrogen-3, carbon-14, or iodine-125 per gram of animal tissue, averaged over the weight of the entire animal.
- b) A licensee shall not dispose of tissue pursuant to subsection (a)(2) above in a manner that would permit its use either as food for humans or as animal feed.
- c) The licensee shall maintain records in accordance with Section 340.1180.

Section 340.1052 Classification of Radioactive Waste for Land Disposal

- a) Considerations. Determination of the classification of radioactive waste involves two considerations. First, consideration must be given to the concentration of long-lived radionuclides (and their shorter-lived precursors) whose potential hazard will persist long after such precautions as institutional controls, improved waste form, and deeper disposal have ceased to be effective. These precautions delay the time when long-lived radionuclides could cause exposures. In addition, the magnitude of the potential dose is limited by the concentration and availability of the radionuclide at the time of exposure. Second, consideration must be given to the concentration of shorter-lived radionuclides for which requirements on institutional controls, waste form, and disposal methods are effective.

b) Classes of waste.

- 1) Class A waste is waste that is usually segregated from other waste classes at the disposal site. The physical form and characteristics of Class A waste must meet the minimum requirements set forth in Section 340.1055(a). If Class A waste also meets the stability requirements set forth in Section 340.1055(h), it is not necessary to segregate the waste for disposal.
- 2) Class B waste is waste that must meet more rigorous requirements on waste form to ensure stability (as defined in 32 Ill. Adm. Code 601.20) after disposal. The physical form and characteristics of Class B waste must meet both the

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minimum and stability requirements set forth in Section 340.1055.

- 3) Class C waste is waste that not only must meet more rigorous requirements on waste form to ensure stability but also requires additional measures at the disposal facility to protect against inadvertent intrusion. The physical form and characteristics of Class C waste must meet both the minimum and stability requirements set forth in Section 340.1055.

- c) Classification determined by long-lived radionuclides. If the radioactive waste contains only radionuclides listed in Table 1 below, classification shall be determined as follows:

- 1) If the concentration does not exceed 0.1 times the value in Table 1 below, the waste is Class A.
- 2) If the concentration exceeds 0.1 times the value in Table 1 below, but does not exceed the value in Table 1 below, the waste is Class C.
- 3) If the concentration exceeds the value in Table 1 below, the waste is not generally acceptable for land disposal.
- 4) For wastes containing mixtures of radionuclides listed in Table 1 below, the total concentration shall be determined by the sum of fractions $\frac{C_i}{C_{Li}}$ described in subsection (a) below.

Table 1

Radionuclide	Concentration curies/cubic meter
C-14	8
C-14 in activated metal	80
Ni-59 in activated metal	220
Nb-94 in activated metal	0.2
Tc-99	3
I-129	0.08
Alpha emitting transuranic radionuclides with half life greater than five years	100

Pu-241	3,500
Cm-242	20,000
Ra-226	100

AGENCY NOTE: Units are nanocuries per gram.

- d) Classification determined by short-lived radionuclides. If the waste does not contain any of the radionuclides listed in Table 1 above, classification shall be determined based on the concentrations shown in Table 2 below. However, as specified in subsection (f) below, if radioactive waste does not contain any nuclides listed in either Table 1 above or Table 2 below, it is Class A.
- 1) If the concentration does not exceed the value in Column 1, the waste is Class A.
 - 2) If the concentration exceeds the value in Column 1 but does not exceed the value in Column 2, the waste is Class B.
 - 3) If the concentration exceeds the value in Column 2 but does not exceed the value in Column 3, the waste is Class C.
 - 4) If the concentration exceeds the value in Column 3, the waste is not generally acceptable for near-surface disposal.
 - 5) For wastes containing mixtures of the radionuclides listed in Table 2 below, the total concentration shall be determined by the sum of fractions rule described in subsection (g) below.

Table 2

Radionuclide	Concentration, Column 1	curies / cubic meter Column 2	Column 3
Total of all radionuclides with less than 5-year half-life	700	--	--
H-3	40	--	--
Co-60	700	--	--
Ni-63	3.5	70	700

Ni-63 in activated metal	35	700	7000
Sr-90	0.04	150	7000
Cs-137	1	44	4600

AGENCY NOTE: There are no limits established for these radionuclides in Class B or C wastes. Practical considerations such as the effects of external radiation and internal heat generation on transportation, handling, and disposal will limit the concentrations for these wastes. These wastes shall be Class B unless the concentrations of other radionuclides in Table 2 above determine the waste to be Class C independent of these radionuclides.

e) Classification determined by both long- and short-lived radionuclides. If the radioactive waste contains a mixture of radionuclides, some of which are listed in Table 1 above and some of which are listed in Table 2 above, classification shall be determined as follows:

- 1) If the concentration of a radionuclide listed in Table 1 above is less than 0.1 times the value listed in Table 1 above, the class shall be that determined by the concentration of radionuclides listed in Table 2 above.
- 2) If the concentration of a radionuclide listed in Table 1 above exceeds 0.1 times the value listed in Table 1 above, but does not exceed the value in Table 1 above, the waste shall be Class C, provided the concentration of radionuclides listed in Table 2 above does not exceed the value shown in Column 3 of Table 2 above.
- f) Classification of wastes with radionuclides other than those listed in Tables 1 and 2 above. If the waste does not contain any radionuclides listed in either Tables 1 or 2 above, it is Class A.
- g) The sum of the fractions rule for mixtures of radionuclides. For determining classification for waste that contains a mixture of radionuclides, it is necessary to determine the sum of fractions by dividing each radionuclide's concentration by the appropriate limit and adding the resulting values. The appropriate limits must all be taken from the same column of the same table. The sum of the fractions for the column must be less than 1.0 if the waste class is to be determined by that column. Example: A waste contains Sr-90 in a concentration of 50 Ci/m³ and Cs-137 in a concentration of 22 Ci/m³. Since the concentrations both exceed the values in Column

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1, Table 2, they must be compared to Column 2 values. For Sr-90 fraction, $50/150 = 0.33$, for Cs-137 fraction, $22/44 = 0.5$; the sum of the fractions = 0.83. Since the sum is less than 1.0, the waste is Class B.

- b) Determination of concentrations in wastes. The concentration of a radionuclide may be determined by indirect methods such as use of scaling factors which relate the inferred concentration of one radionuclide to another that is measured, or radionuclide material accountability, if there is reasonable assurance that the indirect methods can be correlated with actual measurements. The concentration of a radionuclide may be averaged over the volume of the waste, or weight of the waste if the units are expressed as nanocuries per gram.

Section 340.1055 Radioactive Waste Characteristics

a) The following are minimum requirements for all classes of waste and are intended to facilitate handling and provide protection of health and safety of personnel at the disposal site.

- 1) Wastes shall be packaged in conformance with the conditions of the license issued to the site operator to which the waste will be shipped. Where the conditions of the site license are more restrictive than the provisions of this Part, the site license conditions shall govern.
- 2) Wastes shall not be packaged for disposal in cardboard or fiberboard boxes.
- 3) Liquid waste shall be packaged in sufficient absorbent material to absorb twice the volume of the liquid.
- 4) Solid waste containing liquid shall contain as little free-standing and non-corrosive liquid as is reasonably achievable, but in no case shall the liquid exceed 1% of the volume.
- 5) Waste shall not be readily capable of detonation or of explosive decomposition or reaction at normal pressures and temperatures, or of explosive reaction with water.
- 6) Waste shall not contain, or be capable of generating, quantities of toxic gases, vapors, or fumes harmful to persons transporting, handling, or disposing of the waste. This does not apply to radioactive gaseous waste packaged in accordance with subsection (a)(8) below.

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7) Waste must not be pyrophoric. Pyrophoric materials contained in wastes shall be treated, prepared, and packaged to be nonflammable. (See 32 Ill. Adm. Code 601 for definition of pyrophoric.)

8) Wastes in a gaseous form shall be packaged at an absolute pressure that does not exceed 1.5 atmospheres at 20°C. Total activity shall not exceed 100 Ci per container.

9) Wastes containing hazardous, biological, pathogenic, or infectious material shall be treated to reduce to the maximum extent practicable the potential hazard from the non-radioactive material.

b) The following requirements are intended to provide stability of the waste. Stability is intended to ensure that the waste does not degrade and affect overall stability of the site through slumping, collapse, or other failure of the disposal unit and thereby lead to water infiltration. Stability is also a factor in limiting exposure to an inadvertent intruder, since it provides a recognizable and nondispersible waste.

1) Waste shall have structural stability. A structurally stable waste form will generally maintain its physical dimensions and its form, under the expected disposal conditions such as weight of overburden and compaction equipment, the presence of moisture, and microbial activity, and internal factors such as radiation effects and chemical changes. Structural stability can be provided by the waste form itself, processing the waste to a stable form, or placing the waste in a disposal container or structure that provides stability after disposal.

2) Notwithstanding the provisions in subsections (a)(3) and (a)(4) above, liquid wastes, or wastes containing liquid, shall be converted into a form that contains as little free-standing and non-corrosive liquid as is reasonably achievable, but in no case shall the liquid exceed 1% of the volume of the waste when the waste is in a disposal container designed to ensure stability, or 0.5% of the volume of the waste for waste processed to a stable form.

3) Void spaces within the waste and between the waste and its package shall be reduced to the extent practicable.

Section 340.1057 Labeling

Each package of waste shall be clearly labeled to identify whether it is Class A, Class B, or Class C waste, in accordance with Section 340.1052.

Section 340.1060 Transfer for Disposal and Manifests

- a) Each shipment of radioactive waste to a licensed land disposal facility shall be accompanied by a shipment manifest that contains the name, address, and telephone number of the person generating the waste, as well as the name, address, and telephone number of the name and U.S. Environmental Protection Agency hazardous waste identification number of the person transporting the waste. The manifest shall also indicate as completely as practicable: a physical description of the waste; the waste volume; radionuclide identity and quantity; the total radioactivity; and the principal chemical form. The solidification agent shall be specified. Wastes containing more than 0.1% chelating agents by weight shall be identified and the weight percentage of the chelating agent shall be estimated. Wastes classified as Class A, Class B, or Class C in Section 340.1052 shall be clearly identified as such in the manifest. The total quantity of the radionuclides H-3, C-14, Tc-99 and I-129 shall be shown.

- b) The manifest required by this Section may be shipping papers used to meet USDOT or U.S. Environmental Protection Agency regulations (i.e., 40 CFR 262 and 263, revised as of July, 1984, exclusive of subsequent amendments or editions), or requirements of the receiver, provided all the required information is included.

- c) Each manifest shall include a certification by the waste generator that the materials being transported are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the USDOT and the Department. An authorized representative of the waste generator shall sign and date the manifest.

- d) Any licensee who transfers waste to a land disposal facility or a licensed waste collector shall comply with the following requirements. Any licensee who transfers waste to a licensed waste processor who treats or repackages waste shall comply with the requirements of subsections (d)(4) through (d)(8) below. A licensee shall:

- 1) Prepare all wastes so that the waste is classified according

to Section 340.1052 and meets the waste characteristics requirements in Section 340.1055;

- 2) Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with Section 340.1052;
- 3) Conduct a quality control program to assure compliance with Sections 340.1052 and 340.1055; the program must include management evaluation of audits;
- 4) Prepare shipping manifests to meet the requirements of subsections (a) and (c) above;
- 5) Forward a copy of the manifest to the intended recipient at the time of shipment; or, deliver to a collector at the time the waste is collected, obtaining acknowledgement of receipt in the form of a signed copy of the manifest from the collector;
- 6) Include one copy of the manifest with the shipment;
- 7) Retain a copy of the manifest with documentation of acknowledgement of receipt as the record of transfer of licensed material as required by this Part;
- 8) For any shipments or any part of a shipment for which acknowledgement of receipt has not been received within the times set forth in this Section, conduct an investigation in accordance with this Section.

- e) Any waste collector licensee who handles only prepackaged waste shall:

- 1) Acknowledge receipt of the waste from the generator within one week of receipt by returning a signed copy of the manifest to the generator;
- 2) Prepare a new manifest to reflect consolidated shipments; the new manifest shall serve as a listing or index for the detailed generator manifests. Copies of the generator manifests shall be a part of the new manifest. The waste collector may prepare a new manifest without attaching the generator manifests, provided the new manifest contains for each package the information specified in subsection (a) above. The collector licensee shall certify that nothing has

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been done to the waste which would invalidate the generator's certification;

- 3) Forward a copy of the new manifest to the land disposal facility operator at the time of shipment;
- 4) Include the new manifest with the shipment to the disposal site;
- 5) Retain a copy of the manifest with documentation of acknowledgement of receipt as the record of transfer of licensed material as required by this Part, and retain information from generator manifests until disposition is authorized by the Department; and

- 6) For any shipments or any part of a shipment for which acknowledgement of receipt is not received within the time set forth in this Section, conduct an investigation in accordance with subsection (h) below.

f) Any licensed waste processor who treats or repackages wastes shall:

- 1) Acknowledge receipt of the waste from the generator within one week of receipt by returning a signed copy of the manifest to the generator;
- 2) Prepare a new manifest that meets the requirements of subsections (a), (b), and (c) above. Preparation of the new manifest reflects that the processor is responsible for the waste;
- 3) Prepare all wastes so that the waste is classified according to Section 340.1052 and meets the waste characteristics requirement in Section 340.1055;

- 4) Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with Sections 340.1052 and 340.1057 of this Part;

- 5) Conduct a quality control program to assure compliance with Sections 340.1052 and 340.1055. This program shall include management evaluation of audits;

Forward a copy of the new manifest to the disposal site operator or waste collector at the time of shipment, or deliver to a collector at the time the waste is collected,

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obtaining acknowledgement of receipt in the form of a signed copy of the manifest by the collector;

- 7) Include the new manifest with the shipment;

- 8) Retain copies of original manifests and new manifests with documentation of acknowledgement of receipt as the record of transfer of licensed material as required by this Part; and

- 9) For any shipment or part of a shipment for which acknowledgement of receipt is not received within the time set forth in this Section, conduct an investigation in accordance with subsection (h) below.

- g) The land disposal facility operator shall:

- 1) Acknowledge receipt of the waste within one week of receipt by returning a signed copy of the manifest to the shipper. The shipper to be notified is the licensee who last possessed the waste and transferred the waste to the operator. The returned copy of the manifest shall indicate any discrepancies between materials listed on the manifest and materials received;
- 2) Retain a copy of the manifest with documentation of acknowledgement of receipt as the record of transfer of licensed material as required by this Part, and retain information from generator manifests until disposition is authorized by the Department; and

- 3) Notify the shipper (i.e., the generator, the collector, or processor) and the Department when any shipment or part of a shipment has not arrived within 60 days after the advance manifest was received.

- h) Any shipment or part of a shipment for which acknowledgement is not received within the time set forth in this Section must:

- 1) Be investigated by the shipper if the shipper has not received notification of receipt within 20 days after transfer; and
- 2) Be traced and reported. The investigation shall include tracing the shipment and filing a report with the Department. Each licensee who conducts a trace investigation shall file a written report with the Department within 30 days of completion of the investigation.

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Section 340.1070 Compliance with Environmental and Health Protection

Regulations

Nothing in this Subpart k relieves the licensee from complying with other applicable federal, State, and local regulations governing any other toxic or hazardous properties of materials that are disposed of pursuant to this Subpart.

SUBPART L: RECORDS

Section 340.1110 General Provisions

- a) Each licensee or registrant shall use the SI units becquerel, gray, sievert and coulomb/kilogram or the special units curie, rad, rem and roentgen, including multiples and subdivisions, and shall clearly indicate the units of all quantities on records required by this Part.
- b) The licensee or registrant shall make a clear distinction among the quantities entered on the records required by this Part (e.g., total effective dose equivalent, total organ dose equivalent, shallow dose equivalent, eye dose equivalent, deep dose equivalent, committed effective dose equivalent).
- c) No licensee or registrant shall subtract radiation exposures from official personnel monitoring records without the prior written approval of the Department.

Section 340.1120 Records of Radiation Protection Programs

- a) Each licensee or registrant shall maintain records of the radiation protection program required pursuant to Section 340.110, including:
 - 1) The provisions of the program; and
 - 2) Audits and other reviews of program content and implementation.
- b) The licensee or registrant shall retain the records required by subsection (a)(1) above until the Department terminates each license or registration for which the record is required. The licensee or registrant shall retain the records required by subsection (a)(2) above for 5 years after the record is made.

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Section 340.1130 Records of Surveys

- a) Each licensee or registrant shall maintain records showing the results of surveys and calibrations required by Sections 340.510 and 340.960(b). The licensee or registrant shall retain these records for 5 years after the record is made.
- b) The licensee or registrant shall retain each of the following records until the Department terminates each license or registration for which the record is required:
 - 1) Records of the results of surveys to determine the dose from external sources of radiation that are used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents; and
 - 2) Records of the results of measurements and calculations that are used to determine individual intakes of radioactive material and that are used in the assessment of internal dose; and
 - 3) Records showing the results of air sampling, surveys, and bioassays required pursuant to Sections 340.730(a)(3)(A) and (B); and
 - 4) Records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment.

Section 340.1135 Records of Tests for Leakage or Contamination of Sealed Sources

Records of tests for leakage or contamination required by Section 340.410 shall be kept in units of becquerel or microcurie and maintained for inspection by the Department for 5 years after the records are made.

Section 340.1140 Records of Prior Occupational Dose

- a) The licensee or registrant shall retain the records of prior occupational dose and exposure history as specified in Section 340.250 until the Department terminates each pertinent license or registration requiring this record. The licensee or registrant shall retain records used in preparing the prior occupational dose and exposure history for 3 years after the record is made.
- b) Upon termination of the license or registration, the records of

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prior occupational dose and exposure history shall be transferred to the Department.

Section 340.1150 Records of Planned Special Exposures

- a) For each use of the provisions of Section 340.260 for planned special exposures, the licensee shall maintain records that describe:
 - 1) The exceptional circumstances requiring the use of a planned special exposure; and
 - 2) The name of the management official who authorized the planned special exposure and a copy of the signed authorization; and
 - 3) What actions were necessary; and
 - 4) Why the actions were necessary; and
 - 5) What precautions were taken to assure that doses were maintained ALARA; and
 - 6) What individual and collective doses were expected to result; and
 - 7) The doses actually received in the planned special exposure.

b) The licensee shall retain the records until the Department terminates each license for which these records are required.

c) Upon termination of the license, the records of doses received during planned special exposures shall be transferred to the Department.

Section 340.1160 Records of Individual Monitoring Results

- a) Recordkeeping Requirement. Each licensee or registrant shall maintain records of doses received by all individuals for whom monitoring was required pursuant to Section 340.520, and records of doses received during planned special exposures, accidents, and occupational contamination. These records shall include, when applicable:
 - 1) The deep dose equivalent to the whole body, eye dose equivalent, shallow dose equivalent to the skin, and shallow dose equivalent to the extremities; and

- 2) The estimated intake of radionuclides (see Section 340.220); and

- 3) The committed effective dose equivalent assigned to the intake of radionuclides; and

- 4) The specific information used to calculate the committed effective dose equivalent pursuant to Section 340.240(c); and

- 5) The total effective dose equivalent when required by Section 340.220; and

- 6) The total of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest total dose.

AGENCY NOTE: Assessments of dose equivalent and records made using units in effect before January 1, 1994, need not be changed.

Recordkeeping Frequency. The licensee or registrant shall make entries of the records specified in subsection (a) above at intervals not to exceed 1 year.

- i) Recordkeeping Format. The licensee or registrant shall maintain the records specified in subsection (a) above on IDNS Form 4 or 5, as applicable, in accordance with the instructions for the forms, or in clear and legible records containing all the information required by the forms.

- ii) The licensee or registrant shall maintain the records of dose to an embryo/fetus with the records of dose to the declared pregnant woman. The declaration of pregnancy, and the estimated date of conception, shall also be kept on file, but may be maintained separately from the dose records.

- e) The licensee or registrant shall retain each required form or record until the Department terminates each license or registration for which the record is required.

- f) Upon termination of the license or registration, the records of doses received by individuals shall be transferred to the Department.

Section 340.1170 Records of Dose to Members of the Public

- a) Each licensee or registrant shall maintain records sufficient to

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demonstrate compliance with the dose limit for individual members of the public (see Sections 340.310 and 340.320).

- b) The licensee or registrant shall retain the records required by subsection (a) above until the Department terminates each license or registration for which the record is required.

Section 340.1180 Records of Waste Disposal

- a) Each licensee shall maintain records of the disposal of licensed materials made pursuant to Sections 340.1020, 340.1030, 340.1040, 340.1050, 340.1060, 32.111. Adm. Code 601, and disposal by burial in soil, including burials authorized before January 28, 1981, pursuant to 10 CFR 20.304.

AGENCY NOTE: Prior to January 28, 1981, the U.S. Nuclear Regulatory Commission permitted licensees to dispose of small quantities of licensed materials by burial in soil without specific Nuclear Regulatory Commission authorization. This was authorized pursuant to 10 CFR 20.304.

- b) The licensee shall retain the records required by subsection (a) above until the Department terminates each license for which the record is required.

Section 340.1190 Records of Testing Entry Control Devices for Very High Radiation Areas

- a) Each licensee or registrant shall maintain records of tests made pursuant to Section 340.630(b)(9) on entry control devices for very high radiation areas. These records must include the date, time, and results of each such test of function.
- b) The licensee or registrant shall retain the records required by subsection (a) above for 3 years after the record is made.

Section 340.1195 Form of Records

Each record required by this Part shall be legible throughout the specified retention period. The record shall be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel. The microform shall be capable of producing a clear copy throughout the required retention period. Records may be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records, such as letters, drawings, and specifications, shall include all pertinent information, such as

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stamps, initials, and signatures. The licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.

SUBPART M: REPORTS AND NOTIFICATIONS

Section 340.1210 Reports of Stolen, Lost, or Missing Sources of Radiation

- a) Telephone Reports. Each licensee or registrant shall report to the Department by telephone each stolen, lost, or missing source of radiation immediately after its absence becomes known to the licensee or registrant. This requirement does not apply to sources of radiation that are not required to be licensed or registered.
- b) Written Reports. Each licensee or registrant required to make a report pursuant to subsection (a) above shall, within 30 days after making the telephone report, make a written report to the Department setting forth the following information:
 - 1) A description of the source of radiation involved, including for radioactive material, the kind, quantity, and chemical and physical form; and, for radiation machines, the type of unit, the manufacturer, model and serial number; and
 - 2) A description of the circumstances under which the loss or theft occurred; and
 - 3) A statement of disposition, or probable disposition, of the source of radiation involved; and
 - 4) Exposures of individuals to radiation, circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas; and
 - 5) Actions that have been taken, or will be taken, to recover the source of radiation; and
 - 6) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the theft or loss of sources of radiation.
- c) Subsequent to filing the written report, the licensee or registrant shall also report any additional substantive information on the loss or theft within 30 days after the licensee or registrant learns of such information.
- d) The licensee or registrant shall prepare any report filed with the

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Department pursuant to this Section so that names of individuals who may have received exposure to radiation are stated in a separate and detachable portion of the report.

Section 340.1220 Notification of Incidents

- a) Immediate Notification. Notwithstanding any other requirements for notification, each licensee or registrant shall immediately report to the Department each event involving a source of radiation possessed by the licensee or registrant that may have caused or threatens to cause any of the following conditions:

- 1) An individual to receive:
- A) A total effective dose equivalent of 0.25 Sv (25 rem) or more; or
- B) An eye dose equivalent of 0.75 Sv (75 rem) or more; or
- C) A shallow dose equivalent to the skin or extremities or a total organ dose equivalent of 2.5 Gy (250 rad) or more; or

- 2) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake five times the ALI except, the provisions of this subsection do not apply to locations where personnel are not normally stationed during routine operations, such as hot cells or process enclosures.

- b) Twenty-four Hour Notification. Each licensee or registrant shall, within 24 hours of discovery of the event, report to the Department each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:

- 1) An individual to receive, in a period of 24 hours:
- A) A total effective dose equivalent exceeding 0.05 Sv (5 rem); or
- B) An eye dose equivalent exceeding 0.15 Sv (15 rem); or

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- C) A shallow dose equivalent to the skin or extremities or a total organ dose equivalent exceeding 0.5 Sv (50 rem); or
- 2) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational ALI except, the provisions of this subsection do not apply to locations where personnel are not normally stationed during routine operations, such as hot cells or process enclosures.

- c) Licensees or registrants shall make the reports required by subsections (a) and (b) above by initial contact by telephone to the Department and shall confirm the initial contact by telegram, mailgram, or facsimile to the Department.

- d) The licensee or registrant shall prepare each written report filed with the Department pursuant to this Section so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.

- e) The provisions of this Section do not apply to doses that result from planned special exposures, provided such doses are within the limits for planned special exposures and are reported pursuant to Section 340.1240.

Section 340.1230 Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Limits

- a) Reportable Events. In addition to the notification required by Section 340.1220, each licensee or registrant shall submit a written report to the Department within 30 days after learning of any of the following occurrences:

- 1) Incidents for which notification is required by Section 340.1220; or
- 2) Doses in excess of any of the following:
- A) The occupational dose limits for adults in Section 340.210; or
- B) The occupational dose limits for a minor in Section 340.270; or

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- C) The limits for an embryo/fetus of a declared pregnant woman in Section 340.280; or
- D) The limits for an individual member of the public in Section 340.310; or
- E) Any applicable limit in the license; or
- 3) Levels of radiation or concentrations of radioactive material in:
- A) A restricted area in excess of any applicable limit in the license; or
- B) An unrestricted area in excess of ten times any applicable limit set forth in this Part or ten times any applicable limit set forth in the license, whether or not involving exposure of any individual in excess of the limits in Section 340.310; or

- 4) For licensees subject to the provisions of the U.S. Environmental Protection Agency's generally applicable environmental radiation standards in 40 CFR 190, effective July 1, 1990, levels of radiation or releases of radioactive material in excess of those standards, or of license conditions related to those standards.

AGENCY NOTE: A copy of 40 CFR 190 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

- b) Contents of Reports
- 1) Each report required by subsection (a) above shall describe the extent of exposure of individuals to radiation and radioactive material, including, as appropriate:
- A) Estimates of each individual's dose; and
- B) The levels of radiation and concentrations of radioactive material involved; and
- C) The cause of the elevated exposures, dose rates, or concentrations; and
- D) Corrective steps taken or planned to ensure against a

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recurrence, including the schedule for achieving conformance with applicable limits, generally applicable environmental standards, and associated license conditions.

- 2) Each report filed pursuant to subsection (a) above shall include for each individual exposed: the name, Social Security account number, and date of birth. With respect to the limit for the embryo/fetus in Section 340.280, the identifiers shall be those of the declared pregnant woman. The report shall be prepared so that this information is stated in a separate and detachable portion of the report.

Section 340.1240 Reports of Planned Special Exposures

The licensee shall submit a written report to the Department within 30 days following any planned special exposure conducted in accordance with Section 340.260, informing the Department that a planned special exposure was conducted and indicating the date the planned special exposure occurred and the information required by Section 340.1150.

Section 340.1250 Notifications and Reports to Individuals

- a) Requirements for notification and reports to individuals of exposure to radiation or radioactive material are specified in 32 Ill. Adm. Code 400.130.
- b) When a licensee or registrant is required pursuant to Section 340.1230 to report to the Department any exposure of an individual to radiation or radioactive material, the licensee or registrant shall also notify the individual. Such notice shall be transmitted at a time not later than the transmittal to the Department, and shall comply with the provisions of 32 Ill. Adm. Code 400.130(a).

Section 340.1260 Reports of Leaking or Contaminated Sealed Sources

The licensee shall file a report within 5 days with the Department if the test for leakage or contamination required pursuant to Section 340.410 indicates a sealed source is leaking or contaminated. The report shall describe the equipment involved, the test results and the corrective action taken.

Section 340.1270 Reports of Missing Waste Shipments

Each licensee who conducts a trace investigation pursuant to Section 340.1060 (h) shall file a written report with the Department within 2 weeks of completion of the investigation.

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SUBPART N: ADDITIONAL REQUIREMENTS

Section 340.1310 Vacating Premises

Each specific licensee shall, no less than 30 days before vacating or relinquishing possession or control of premises which may have been contaminated with radioactive material as a result of his activities, notify the Department in writing of intent to vacate.

Section 340.1320 Removal of Radioactive Contamination

Notwithstanding any exemptions contained in this Part, any person who uses, possesses, or stores radioactive material in such a manner as to cause uncontrolled contamination of any area shall, upon order of the Department, remove or provide for the removal of such contaminants at his own expense through the use of an authorized transferee and shall decontaminate the installation to the lowest practicable level. Unless another value is specified in 32 Ill. Adm. Code 332, the values specified in Section 340. Appendix A may be used as guidelines for this purpose. These values, however, may be modified at specific installations at the discretion of the Department.

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SECTION 340. APPENDIX A Decontamination Guidelines

a) Surface Contamination Guide

Alpha Emitters:

Removable	555 mBq per 100 cm ² = 15 pCi per 100 cm ² = 33 dpm per 100 cm ²	average over any one surface
Total (fixed)	1.67 Bq per 100 cm ² = 45 pCi per 100 cm ² = 100 dpm per 100 cm ²	maximum
	16.7 Bq per 100 cm ² = 450 pCi per 100 cm ² = 1,000 dpm per 100 cm ²	average over any one surface
	83.3 Bq per 100 cm ² = 2,250 pCi per 100 cm ² = 5,000 dpm per 100 cm ²	maximum
	2.5 μ Sv per hour at 1 cm from surface = 250 μ rem per hour at 1 cm from surface	

Beta Gamma Emitters:

Removable (all beta-gamma emitters except hydrogen-3)	3.7 Bq per 100 cm ² = 100 pCi per 100 cm ²	average over any one surface
	18.5 Bq per 100 cm ² = 500 pCi per 100 cm ²	maximum
Removable (hydrogen-3)	37 Bq per 100 cm ² = 1,000 pCi per 100 cm ²	average over any one surface
	185 Bq per 100 cm ² = 5,000 pCi per 100 cm ²	maximum
Total (fixed)	2.5 μ Sv per hour at 1 cm from surface = 250 μ rem per hour at 1 cm from surface	

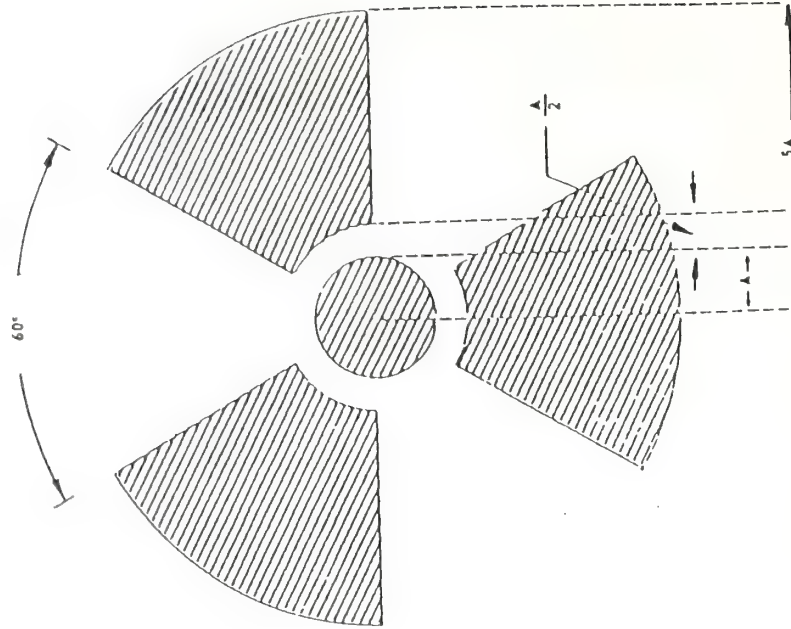
b) Concentration in air and water: Appendix B, Table I and II of 10 CFR 20.

c) Concentrations in soil and other materials except water:

- 1) Radioactive material except source material and radium: Column II of 32 Ill. Adm. Code 330.Appendix A.
- 2) Source material and radium: Concentration of radionuclides above background concentrations for total radium, averaged over areas of 100 square meters, shall not exceed:
 - A) 185 mBq (5 pCi) per gram of dry soil, averaged over the first 15 centimeters below the surface; and
 - B) 185 mBq (5 pCi) per gram of dry soil, averaged over layers of 15 centimeters thickness more than 15 centimeters below the surface.
- d) The level of gamma radiation measured at a distance of 100 centimeters from the surface shall not exceed background.

AGENCY NOTE: This Appendix shall be used only as a guide. The Department may require lower values in specific instances, depending upon radionuclides, type of surface, intended present and future use, etc.

Section 340. Illustration A Radiation Symbol



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- 1) Heading of the Part: Public Accounting Act (Professional Conduct)
- 2) Code Citation: 68 Ill. Adm. Code 1430
- 3) Section Numbers:

1430.3010	<u>Proposed Action:</u>
1430.3020	Amendment
1430.5030	Amendment
1430.5050	Amendment
- 4) Statutory Authority: Illinois Public Accounting Act (Ill. Rev. Stat. 1991, ch. 111, par. 5520) [225 ILCS 450/19].
- 5) A Complete Description of the Subjects and Issues Involved:

The Professional Conduct Rules for the Public Accounting Act mirror the Code of Ethics of the two predominant professional organizations of the accounting profession--the American Institute of CPAs (AICPA) and the Illinois CPA Society (ICPAS). Several months ago the Federal Trade Commission (FTC) filed an action against the AICPA charging some portions of its Code of Ethics violated federal law by constituting a restraint of trade. After months of negotiation, the FTC and the AICPA entered into an agreement whereby the AICPA rules on commissions and contingent fees were amended.

The Board of Directors of the Illinois CPA Society recommended that the Department of Professional Regulation revise its current rules on commissions and contingent fees to mirror those adopted under the AICPA/FTC agreement. The Department agrees with the Illinois CPA Society that the Proposed Amendments will continue to provide appropriate protection to the public, preserve the integrity and independence of the CPA profession, eliminate any perceived restraint of trade, and recognize the diverse and expanding role of the accounting profession.

This rulemaking also makes changes in the provisions relating to confidential client information and to the form of business entity in which a CPA may practice. These changes were recommended by the governing council of the AICPA.

Various typographical, grammatical and form changes also were made.

- 6) Will these proposed amendments replace an emergency Rule currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed Rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable):
This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
Interested persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 23, 1993.
- B) Types of small businesses affected: Public accounting firms.
- C) Reporting, bookkeeping or other procedures required for compliance:
License fees, reporting requirements and recordkeeping requirements are not affected by these proposed amendments.
- D) Types of professional skills necessary for compliance:
Public accountant skills are necessary for licensure.

The full text of the Proposed amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

1430.APPENDIX A Generally Accepted Auditing Standards
1430.APPENDIX B Resolution of Council Regarding Accounting Principles

PART 1430
PUBLIC ACCOUNTING ACT (PROFESSIONAL CONDUCT)

Section

SUBPART A: GENERAL INFORMATION

1430.300 Preamble
1430.500 Definitions
1430.800 Applicability of Rules

SUBPART B: INDEPENDENCE, INTEGRITY AND OBJECTIVITY

1430.1010 Independence
1430.1020 Integrity and Objectivity

SUBPART C: COMPETENCE AND TECHNICAL STANDARDS

1430.2010 Competence
1430.2020 Auditing Standards
1430.2030 Accounting Principles
1430.2040 Forecasts

SUBPART D: RESPONSIBILITIES TO CLIENTS

1430.3010 Confidential Client Information
1430.3020 Contingent Fees

SUBPART E: RESPONSIBILITIES TO COLLEAGUES

1430.4010 Relationships Between Accountants

SUBPART F: OTHER RESPONSIBILITIES AND PRACTICES

1430.5010 Acts Discreditable
1430.5030 Commissions and Referral Fees
1430.5040 Incompatible Occupations
1430.5050 Form of Practitioner Organization and Name

SUBPART G: GENERAL PROVISIONS

1430.6010 Rules and Regulations
1430.6020 Suspension or Modification of Rules
1430.6030 Construction of Rules

SUBPART D: RESPONSIBILITIES TO CLIENTS

Section 1430.3010 Confidential Client Information

a) A registered public accountant shall not disclose any confidential client information without the specific ~~obtained in the course of a professional engagement except with the~~ consent of the client.

b) This rule shall not be construed:

- 1) to relieve a registered public accountant of his or her professional obligations ~~obligation~~ under Sections ~~Rules 202 and 203~~ ~~68 Ill. Adm. Code 1430.2020 and 1430.2030~~; of this Part.
- 2) to affect in any way his/her obligation to comply ~~compliance~~ with a validly issued and enforceable subpoena or summons ~~enforceable by order of a court~~.
- 3) to prohibit review of a registered public accountant's professional practice under Institute, Society or Registration Committee authorization ~~practices as a part of voluntary quality review under Institute of Society (or successor organizations) authorization or~~
- 4) to preclude a registered public accountant from initiating a complaint with or responding to any inquiry made by the Director, the Department, the Registration Committee, the ethics division or Trial Board of the Institute or a duly constituted investigative or disciplinary body of the Society, ~~the Professional Conduct Committee or Trial Board of the Society (and successor bodies), or under state statutes.~~

SOURCE: Rules of Professional Conduct for the Illinois Public Accounting Act, effective September 2, 1976; codified at 5 Ill. Reg. 11061; transferred from Chapter I, 68 Ill. Adm. Code 430 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1430 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2973; amended at 17 Ill. Reg. _____ effective _____.

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c) However, members of the Institute or Society involved in a review or investigation under the provisions of subsections (b)(3) and (4), above must be registered public accountants in Illinois or possess a similar qualification in another jurisdiction.

d) Members of the ethics division and Trial Board of the Institute and the Professional Conduct Committee and Trial Board of the Society (and successor bodies or organizations), and professional practice reviewers under Institute and Society authorization, shall not use to their own advantage or disclose any member's confidential client information that comes to their attention in carrying out those activities. This prohibition shall not restrict members' exchange of information in connection with the investigative or disciplinary proceedings described in (b)(4) above or the professional practice reviews described in (b)(3) above. ~~disclose any confidential client information which comes to their attention from registered public accountants in disciplinary proceedings or otherwise in carrying out their official responsibilities. However, this prohibition shall not restrict the exchange of information with an aforementioned study constituted investigative or disciplinary body.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1430.3020 Contingent Fees

a) ~~Professional services shall not be offered or rendered under an arrangement whereby no fee will be charged unless a specified finding or result is attained, or where the fee is otherwise contingent upon the findings or results of such services. However, a registered public accountant's fees may vary depending, for example, on the complexity of the service rendered.~~

"Contingent fee" means a fee established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service.

a) A registered public accountant shall not:

1) Perform for a contingent fee any professional services for, or receive such a fee from a client for whom the registered public accountant or the registered public accountant's firm performs:

A) An audit or review of a financial statement;

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B) ~~A compilation of a financial statement when the registered public accountant expects, or reasonably might expect, that a third party will use the financial statement and the registered public accountant's compilation report does not disclose a lack of independence; or~~

C) ~~An examination of prospective financial information; or~~

2) ~~Prepare an original or amended tax return or claim for a tax refund for a contingent fee for any client.~~

b) ~~The prohibition in (a)(1) above applies during the period in which the registered public accountant or the registered public accountant's firm is engaged to perform any of the services listed in (a)(1)(A), (B) and (C) above and the period covered by any historical financial statements involved in any such listed services.~~

b) ~~c) For the purposes of this Section only, fees Fees are not regarded as being contingent if fixed by courts or other public authorities or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies. A registered public accountant's fees may vary depending, for example, on the complexity of services rendered.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART F: OTHER RESPONSIBILITIES AND PRACTICES

Section 1430.5030 Commissions and Referral Fees

~~A registered public accountant shall not pay a commission to obtain a client, nor shall he accept a commission for a referral to a client of products or services of others, because such payment would involve a client paying fees for which he would not receive commensurate services. This rule shall not prohibit payments for the purchase of an accounting practice or retirement payments to individuals formerly engaged in the practice of public accounting or payments to their heirs or estates.~~

a) Prohibited Commissions - A registered public accountant shall not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the registered public accountant or the registered public accountant's firm also performs for that client any of the following:

1) An audit or review of a financial statement;

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- 2) A compilation of a financial statement when the member expects, or reasonably might expect, that a third party will use the financial statement and the registered public accountant's compilation report does not disclose a lack of independence; or

- 3) An examination of prospective financial information.

This prohibition applies during the period in which the registered public accountant is engaged to perform any of the services listed above and the period covered by any historical financial statements involved in such listed services.

- b) Disclosure of Permitted Commissions - A registered public accountant who is not prohibited by this Section from performing services for or receiving a commission and who is paid or expects to be paid a commission shall disclose that fact to any person or entity to whom the registered public accountant recommends or refers a product or service to which the commission relates.

- c) Referral Fees - Any registered public accountant who accepts a referral fee for recommending or referring any service of a CPA to any entity or who pays a referral fee to obtain a client shall disclose such acceptance or payment to the client.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1430.5050 Form of Practice Organization and Name

- a) A registered public accountant may practice public accounting, whether as an owner or employee, only in the form of an individual proprietorship, a partnership or a professional corporation a form of organization permitted by Illinois law or regulation whose characteristics conform to resolutions of AICPA Council.

- b) A registered public accountant shall not practice under a firm name that which includes any fictitious name, indicates specialization or is misleading as to the type of organization (proprietorship, partnership or corporation). However, names of one or more past owners, partners or shareholders may be included in the firm name of a successor organization partnership or corporation. Also, a partner, an owner surviving the death or withdrawal of all other partners, owners may continue to practice under a name which includes the name of past owners the partnership name for up to two years after becoming a sole practitioner.

- c) A firm may not designate itself as a member of the American Institute of Certified Public Accountants or Illinois CPA Society unless all of its owners are members of the Institute.
- (Source: Amended at 17 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Structural Engineering Licensing Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1480
- 3) Section Numbers:

1480.130 1480.150 1480.190	<u>Proposed Action:</u> Amendment Amendment Amendment
----------------------------------	--
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 6606, 6610, 6611 and 6614 [225 ILCS 340/6, 340/10, 340/11 and 340/14].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking accomplishes the following:
 1. Clarifies that experience in the practice of structural engineering must be under the employ or immediate supervision of a U.S. licensed engineer legally practicing structural engineering.
 2. Changes the grading of Part I of the Fundamentals of Engineering examination to pass/fail.
 3. Corrects an error in the Renewals Section of the Rules to show that every license issued to a corporation or partnership under the Act shall expire on April 30 of each odd-numbered year instead of each even-numbered year.

The Structural Engineering Board advised the Department that experience should be acquired under the direct supervision of a U.S. licensed engineer because the building codes and restrictions in the United States are not utilized throughout the world. The Board believes it is imperative that the supervisor be familiar with U.S. building codes and restrictions so that the individual acquiring the structural engineering experience will become familiar with them before being licensed.

The Board also recommended that applicants for licensure be notified of a pass/fail score on the Special Structural I examination since it is not an educational type examination but a minimum proficiency examination.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 23, 1993
- B) Types of small businesses affected: Businesses that employ Structural Engineers.
- C) Reporting, bookkeeping or other procedures required for compliance: These proposed amendments do not require any changes in reporting or bookkeeping procedures.
- D) Types of professional skills necessary for compliance: Structural engineering skills are necessary for licensure.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1480
THE STRUCTURAL ENGINEERING LICENSING ACT OF 1989

Section	Statutory Authority (Repealed)
1480.10	Licensure (Repealed)
1480.20	Approved Education Qualifications (Repealed)
1480.30	Approved Experience Qualifications (Repealed)
1480.40	Renewals (Renumbered)
1480.45	Restoration of Expired Certificate (Repealed)
1480.50	Granting Variances (Renumbered)
1480.60	Approved Structural Engineering Curriculum
1480.110	Definition of Degree in Related Science
1480.120	Approved Experience
1480.130	Application for Licensure by Examination
1480.140	Examination
1480.150	Restoration
1480.160	Endorsement
1480.170	Inactive Status
1480.180	Renewals (Renumbered)
1480.190	Corporations and Partnerships
1480.200	Standards of Professional Conduct
1480.210	Granting Variances (Renumbered)
1480.220	

AUTHORITY: Implementing The Structural Engineering Licensing Act of 1989 (Ill. Rev. Stat. 1991, ch. 111, par. 6601 et seq.) [225 ILCS 340/1 et seq.] and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 22, p. 242, effective May 15, 1980; amended at 4 Ill. Reg. 44, p. 475, effective October 20, 1980; codified at 5 Ill. Reg. 11068; amended at 5 Ill. Reg. 44, p. 475, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, Ill. Reg. 14171, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 480 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1480 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2947; emergency amendment at 13 Ill. Reg. 5781, effective April 5, 1989, for a maximum of 150 days, amended at 13 Ill. Reg. 13891, effective August 22, 1989; amended at 15 Ill. Reg. 7081, effective April 29, 1991; amended at 17 Ill. Reg. _____, effective _____.

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Section 1480.130 Approved Experience

- a) Each individual application shall be reviewed by the Board to determine whether the experience required for licensure meets the requirements described in this Section. Approved experience shall have been acquired after receipt of the baccalaureate degree.
 - 1) Credit for one year of experience shall be given for completion of graduate study resulting in a master's or doctor's degree in structural engineering. The course of study shall include a minimum of at least 8 semester hours, or their equivalent (e.g., 12 quarter hours), of structural analysis, behavior, or design courses.
 - 2) The maximum credit for graduate study shall be one year.
 - 3) Credit for all required experience or any remaining experience as set forth in Section 1480.140 shall be given for actual experience in the practice of structural engineering under the employ or immediate supervision of a U.S. licensed engineer legally practicing structural engineering. Such experience shall require the application of technical knowledge and structural engineering principles.
 - 4) Each applicant shall submit evidence of at least 2 years of engineering experience in a position of responsible charge while in the employ of or under the immediate personal supervision of a U.S. licensed engineer legally practicing structural engineering. In this category the applicant shall have directed the work, with responsibility for the successful accomplishment of the work, including demonstrated capability of making independent technical decisions to fulfill a structural engineering duty and being accountable for the performance of those duties.
 - 5) Credit for a maximum of 3 years of the experience required for licensure shall be given for the full-time teaching of upper division junior/senior courses or graduate courses in structural engineering as part of, or in conjunction with, an approved engineering curriculum as set forth in Section 1480.110. An academic year of full-time teaching (2 semesters, or 3 quarters) at a level of assistant professor, or higher, shall be considered equivalent to 6 months of the experience required for licensure. This teaching experience shall be fully documented, and certified by an affidavit from the department chairman, or dean, of the engineering curriculum involved. Applicants qualifying under this subsection are exempt from the requirement of subsection 4.

- b) While an applicant may receive either experience credit, education credit, teaching credit, or a combination of these, such applicant shall not receive more than one year's total credit for any one year (i.e., overlapping experience, education or teaching shall be credited to only one category).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1480.150 Examination

- a) The examination for licensure as a structural engineer shall be divided into three parts, each part being 8 hours in duration.

1) Fundamentals of Engineering. This examination shall consist of problems or other examining techniques designed to evaluate the applicant's knowledge of the basic and engineering sciences and related subjects normally considered as the fundamentals of engineering.

2) Part I of the Structures Examination. This examination shall consist of problems or other examining techniques relating to designs in or to the practice of structural engineering as described in Section 5 of the Act.

3) Part II of the Structures Examination. This examination shall consist of problems or other examining techniques relating to designs in structural engineering. Such problems may include, but not be limited to bridges, buildings, foundations, and lateral forces. All applicants shall be required to successfully complete the solution of the specified seismic design problem contained in Part II of the structures examination

- b) The examination administered by the Department shall be provided by the National Council of Examiners for Engineering and Surveying (NCEES). The specific examination content shall be as determined by periodic evaluations of the test specifications by NCEES.

c) The scoring of the examinations and determination of scores shall be as approved by NCEES.

d) Separate scores shall be given for the Fundamentals of Engineering, Part I, and Part II. The passing score on the Fundamentals of Engineering ~~and Part I~~ shall be 70. Part I and Part II shall be graded as pass/fail. Once an applicant fails a Part(s) of the examination, that Part(s) shall not be waived.

e) Retake of Examination.

- 1) Applicants shall be required to retake only the Part(s) on which a passing score was not achieved

- 2) If an applicant neglects, fails without an approved excuse (illness, military service, motor vehicle accident occurring on date of examination, etc.), or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited and the application denied. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee (Section 10 of the Act). New applications shall include proof of meeting the qualifications for examination in effect at the time of such new application except as provided for in subsection (f).

f) Successful scores of previously passed Parts of the examination shall be accepted for the purpose of licensure provided the applicant has met all other requirements for licensure as outlined in the Act. For such purposes the most recent score on a Part(s) shall be the score of record. In no circumstances shall the Department accept a previous passing score on a Part(s) for an applicant whose score of record is a failing score.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1480.190 Renewals (Renumbered)

- a) Every license issued to an individual under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee set forth in Section 17 of the Act.

b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

c) Every license issued to a corporation or partnership under the Act shall expire on April 30 of each ~~even~~ odd numbered year. The holder of such license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the required fee and submitting a current listing of structural engineers licensed in Illinois that are employed by the firm.

d) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 20 of the Act.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Claiming Races

2) Code Citation: 11 Ill. Adm. Code 510

3) Section Numbers: 510.220 Proposed Action: Amendment

4) Statutory Authority: ILCS 1992, ch. 230, sec. 5/1 et seq.

5) A complete description of the subjects and issues involved: This Rule defines the Section numbers that apply to claiming races.

6) Will these proposed amendments replace emergency amendments currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporation by reference? No.

9) Are there any other proposed amendments pending in this Part? No.

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing, within 30 days of this notice, to:

Illinois Racing Board, Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 11, 1993

B) Types of small business affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 510
CLAIMING RACES

Section	Definition
510.10	Claiming Eligibility
510.20	Form and Deposit of Claim
510.30	Errors which Invalidate Claim
510.40	Refund of Voided Claim
510.50	Prohibited Action with Respect to Claim
510.60	Horses under Lien
510.70	Affidavit May be Required
510.80	Claimant's Responsibility
510.90	Claimed Horse's Certificate
510.100	Engagements of a Claimed Horse
510.110	Protests of a Claim
510.120	Title to a Claimed Horse
510.130	Distribution of the Purse
510.140	Delivery of a Claimed Horse
510.150	Trainer Responsibility for Post-Race Tests
510.160	Excusing Claimed Horse
510.170	Stable Eliminated by Fire or Other Hazard
510.180	Entering Claimed Horse
510.190	Claimed Horse Racing Elsewhere
510.200	Sale of a Claimed Horse
510.210	Illinois Rules Govern Claimed Horse
510.220	Extension of Regular Meeting
510.230	Claiming Authorization
510.240	

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 (ILCS 1992, ch. 230, sec. 5/1 et seq.).

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 17 Ill. Reg. _____, effective _____.

NOTICE OF PROPOSED AMENDMENTS

Section 510.220 Illinois Rules Govern Claimed Horse

When a horse is claimed at a recognized meeting governed by other rules of racing, Illinois shall recognize title to the horse under the rules of the meeting at which the claim was made. However, while racing in Illinois, such a horse shall comply with Section 510.170 ~~Adm. Code, Sec. 509.170 and 509.190~~ ~~Adm. Code, Sec. 509.170 and 509.190~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Ownership, Partnership and Stable Name
- 2) Code Citation: 11 Ill. Adm. Code 1409

3) Section Numbers:

1409.10
1409.20
1409.30
1409.40
1409.50
1409.70
1409.80
1409.100
1409.120
1409.130
1409.135
1409.138
1409.140
1409.150
1409.160
1409.170
1409.180
1409.185

Proposed Action:

Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment

- 4) Statutory Authority: ILCS 1992, ch. 230, sec. 5/1 et seq.

- 5) A complete description of the subjects and issues involved: This Rule recognizes a lessee and/or lessor in addition to an owner.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Do these proposed amendments contain incorporation by reference? No.

- 9) Are there any other proposed amendments pending in this Part? No.

- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

ILLINOIS REGISTER
ILLINOIS RACING BOARD
NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1409
OWNERSHIP, PARTNERSHIP, AND STABLE NAME

Section
1409.05
1409.10
1409.15
1409.20
1409.30
1409.40
1409.50
1409.60
1409.70
1409.80
1409.90
1409.100
1409.110
1409.120
1409.130
1409.132
1409.135
1409.138
1409.140
1409.150
1409.160
1409.170
1409.180
1409.185

Registration of Colors
Application for Colors
Deviations
Register Name of Real Owner And Lessee
Owner-Trainer Registrations
Change in Ownership
False Registration
List of Changes
Stable Names
Registration of Stable Names
Trainers' Use of Stable Names
Affidavit of Ownership
Partnerships
Corporations
Number of Stockholders (Repealed)
File Reports With Board
Board May Waive Requirements
Change in Officers
Entries, Declarations and Winnings
Signature by Racing Secretary
Consent of Partners
Name All Owners
Corporation With Stable Name

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (ICLS 1992, ch. 230, sec. 5/1 et seq).

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10973; amended at 13 Ill. Reg. 1841, effective January 27, 1989, amended at 17 Ill. Reg. _____, effective _____.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing, within 30 days of this notice, to:

Illinois Racing Board, Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 11, 1993
- B) Types of small business affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

Section 1409.10 Application for Colors

No owner or lessee shall file an application for colors which are already being used by another owner or lessee or so registered in any state or jurisdiction, except that partners may have the same colors.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1409.20 Deviations

Any deviation from the recorded colors of the owner or lessee must be approved by the stewards, and posted by the clerk of the scales on the notice board.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1409.30 Register Name of Real Owner and Lessee

All horses shall be registered in the name of the real owner or owners and lessee or lessees with the racing secretary of the race track operator at which it is intended to race such horses. Before making registration, trainers shall learn the facts of ownership or leasehold interest of all horses registered by said trainer.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1409.40 Owner-Trainer Registrations

If the registration is made by the trainer, ~~both~~ owner, and trainer and lessee shall be bound by such registration.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1409.50 Change in Ownership

Any change in ownership of a horse or horses or leasehold or other interest therein shall be immediately made in Registration Book and additional affidavit filed if necessary.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1409.70 List of Changes

The Registration Clerk shall furnish the stewards and the Board each day, a complete list of any changes in ownership, leasehold interest, or trainer of any horse or horses.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

Section 1409.80 Stable Names

- a) A person wishing to race under a stable name may do so by registering and by paying the fee of \$50., the said registration being effective only during the calendar year.
- b) A person cannot register more than one stable name at the same time, nor can he use his real name so long as he has a registered one.
- c) A stable name may be changed at any time by registering a new stable name and paying the fee of \$50.
- d) A person cannot register as his stable name one which has already been registered by any other person or one which is the real name of any owner or lessee of race horses.
- e) Any person who has registered under a stable name may at any time abandon it after he has given written notice and the fact of the abandonment has been duly advertised.
- f) The stable name must be carried on the official program with the name of at least one owner or lessee. If stable name consists of more than one owner or lessee, the program will list the name of the owner or lessee along with the phrase "et al."

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1409.100 Trainers' Use of Stable Names

Where an application is filed for a stable name or farm name, or nom de course which must have been properly registered, such application shall be accompanied by proper affidavit of ownership or leasehold interest as provided for under ~~40146/112/118/and/118A/117/1171/Adm/Code/Sections 1409/120/1409/180/and/1409/185~~ sub-sections 120, 180 and 185 of this Section.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1409.120 Partnerships

All partnerships ~~not already~~ must be registered and the name and address of every person having any interest in a horse, the relative proportions of such interests and the terms of any sale with contingencies, lease or other arrangement must be signed by all the parties or by their authorized agents and be lodged with the racing secretary, a copy of which shall be transmitted after the race meeting to the office of the Illinois Racing Board. All the partners and each of them shall be jointly and severally liable for all stakes and forfeits. All partners of a general partnership shall be licensed as owners. In the case of a limited partnership, all general partners and limited partners owning a 5% or more interest in the limited partnership shall be licensed as owners. These licensure requirements shall apply to all partnerships owning any interest in a horse. All non-licensed partners shall be eligible for licensure. Any non-licensed partner shall submit application materials sufficient for the Board to verify ~~that~~ his status whenever the stewards have determined that it is more probable than not that such person is ineligible for licensure. Such materials shall consist of the name, social security number, fingerprints and other material required of an applicant for an owner's license. If any non-licensed partner is ineligible for licensure then ~~all~~ each of the partners and the partnership shall be ineligible for licensure.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1409.130 Corporations

All corporations having an interest in a horse shall ~~file with the racing secretary~~ at the time of filing application for an owner's license file a statement in duplicate setting forth the names and addresses of all officers, directors, and stockholders of said corporation, together with the amount of the respective holdings of each stockholder and a statement as to whether or not said stock is paid in full, and including the designation of an authorized agent or agents of said corporation. The said statement shall be signed by the president of the corporation, attested to by its secretary, and the corporate seal attached. A copy of said statement shall be transmitted promptly to the office of the Illinois Racing Board by the state stewards. All officers, directors and shareholders owning 5% or more of any class of stock of a corporation shall be licensed as owners. These licensure requirements shall apply to all corporations owning any interest in a horse. All non-licensed shareholders shall be eligible for licensure. Any non-licensed shareholder shall submit application materials sufficient for the Board to verify ~~that~~ his status whenever the stewards have determined that it is more probable than not that such person is ineligible for licensure. Such materials shall consist of the name, social security number, fingerprints or other materials required for an applicant for an owner's license. If any non-licensed shareholder is ineligible for licensure then ~~all~~ each of the shareholders and the corporation shall be ineligible for licensure.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1409.135 File Reports With Board

Any corporation and all stockholders or members thereof ~~shall file with the racing secretary~~ ~~or members of the corporation~~ which leases horses for racing purposes in the State of Illinois ~~and all of the corporation's~~ shall ~~submit~~ file with the Board ~~and when requested by it~~ upon request a report or reports containing such information as the Board may specify. Upon refusal or failure to file such report or reports the Board may refuse a license to any lessee or lessees of such corporation and/or may revoke any such license which it may have granted.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1409.138 Board May Waive Requirements

Any of the above requirements may be waived by the Board. ~~In special instances~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

Section 1409.140 Change in Officers

Any transfer of stock of such corporation or change in the officers or directors thereof shall be reported in writing to the state stewards at the track where the corporation is racing horses within 48 hours of such change. The state stewards shall immediately transmit such information to the Illinois Racing Board.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1409.150 Entries, Declarations and Winnings

All statements of sales and contingencies/ or arrangements, by partnerships, ~~of~~ corporations, ~~lessors or lessees~~ shall declare to whom winnings are payable, in whose name the horse shall run and with whom rests the power of entry or declaration of forfeit/~~and~~. A copy of this information shall be transmitted to the Illinois Racing Board.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1409.160 Signature by Racing Secretary

In cases of emergency, the authority to sign a declaration of partnership may be given to the racing secretary by a telegram promptly confirmed in writing.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1409.170 Consent of Partners

The part owner of any horse cannot assign his share, or any part of it, without the written consent of the other partners. ~~the~~ Said consent shall be filed with the racing secretary.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

Section 1409.180 Name All Owners

If a stable name or nom de course is used, even though printed in the program with the personal name of the owner or owners, lessors or lessees or if a horse is actually owned or leased in whole or in part by any person other than the registered owner, or any lien or contingent interest in said horse is ~~owned~~/~~or~~/held by any other person or if the registered owner or owners, lessors or lessees of any horse has or have borrowed money for the purchase or ~~lease~~ of said horse in whole or in part, or for the upkeep or maintenance thereof, an affidavit shall be filed at the time of such registration in duplicate. One copy shall be retained by the racing secretary of the track operator, and one to be filed with the Board, on a printed form to be furnished by the Board. A registration so made at one track need not be repeated at succeeding tracks ~~within the~~ in the same racing season unless required by change in ownership. The racing secretary of the track operator shall, at the termination of its meeting, immediately forward all affidavits on file with him to the racing secretary of the succeeding meeting in the area or state.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1409.185 Corporation With Stable Name

Nothing herein contained shall excuse a corporation which owns or leases a horse running under a stable name or nom de course from complying with the provisions ~~of 1409.112 and 1409.113~~/~~and 1409.111 and 1409.112~~/~~and 1409.110~~ therefore, sub-sections 120 and 130 of this Section.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SECRETARY OF STATE
NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Business Corporation Act

2) Code Citation: 14 Ill. Adm. Code 150

<u>Section Number</u>	<u>Proposed Action</u>
150.20	Amendment
150.200	Amendment
150.210	Amendment
150.220	Amendment
150.240	Amendment
150.305	Amendment
150.400	Amendment
150.405	Amendment
150.420	Amendment
150.435	Amendment
150.470	Amendment
150.510	Amendment
150.520	Amendment
150.620	Amendment
150.621	New Section
150.700	New Section
150.705	New Section
150.710	New Section
150.720	New Section

4) Statutory Authority: Implementing and authorized by the Business Corporation Act of 1983 (Ill. Rev. Stat. 1991, ch. 32, pars. 1.01 et seq.) (805 ILCS 5/1.01 et seq.)

5) A Complete Description of the Subjects and Issues Involved:

Amendments to the rules for the Secretary of State's Business Services Department adding requirements for financial data and other miscellaneous new sections.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference?
Yes. Adopting official Corporate Acts Advisory Committee as a guide to interpreting the Illinois Business Corporation Act. Also adopts by reference the Chicago Bar Association. Illinois Business Corporation Act annotated, third addition, as amended, copyright 1975.

9) Are there any other amendments pending on this Part? No

NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: Clarification of the Illinois Business Corporation Act.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Robert B. Powers
Assistant Counsel
Secretary of State's Office
298 Howlett Building
Springfield, Illinois 62756

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE
 SUBTITLE A: REGULATIONS OF BUSINESS
 CHAPTER I: SECRETARY OF STATE

PART 150
 BUSINESS CORPORATION ACT
 SUBPART A: HEARING PROCEDURES

Section

150.10 Applicability
 150.20 Definitions
 150.30 Right to Counsel
 150.40 Appearance of Attorney
 150.50 Special Appearance
 150.60 Substitution of Parties or Attorneys
 150.70 Commencement of Action; Notice of Hearing
 150.80 Motions
 150.90 Form of Papers
 150.100 Conduct of Hearings
 150.110 Record of Hearings
 150.120 Invalidity

SUBPART B: SALE AND RELEASE OF INFORMATION

Section

150.200 Annual List of Corporations
 150.210 Monthly List of Corporations
 150.220 Daily List of Corporations
 150.230 Computer Access to Information
 150.240 Abstracts of Corporate Record
 150.250 Invalidity

SUBPART C: ERRORS, REFUNDS, CORRECTIONS, ADJUSTMENTS
AND ERRORS, OBJECTIONS, AND OTHER RELIEF

Section

150.300 Errors or Defects
 150.305 Refunds and Adjustments of Assessments Financial Data as
 150.310 Support Documentation
 150.315 Invalidity

SUBPART D: NAMES

Section

150.400 Preliminary Determination of Availability
 150.405 Final Determination of Availability
 150.410 Response as to Basis of Unavailability

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

150.415 Reconsideration Procedure
 150.420 Effect of Final Determination
 150.430 Availability of Names: Statutory Requirements
 150.435 Standards - Conflicting Names
 150.440 Distinguishable - Defined
 150.445 Matters not Considered
 150.450 Significant Differences
 150.455 Surnames
 150.460 Alphabet Names
 150.465 Government Affiliation
 150.470 Restricted and Professional Words
 150.475 Acceptable Characters of Print
 150.480 Invalidity

SUBPART E: SERVICE OF PROCESS ON THE SECRETARY OF STATE

Section
 150.500 Preamble
 150.510 Manner of Service
 150.520 Place of Service
 150.530 Payment of Fees
 150.540 Invalidity

SUBPART F: FEES, FRANCHISE TAX AND LICENSE FEES: ANNUAL REPORT

Section
 150.600 Payment of Fees, Franchise Tax and License Fee
 150.610 Definitions
 150.620 Annual Report
 150.621 Confidentiality of Annual Report Financial Data
 150.630 Shares Having a Par Value
 150.640 Invalidity

SUBPART G: INTERPRETIVE COMMENTS AND GENERAL PROVISIONS

Section
 150.700 Interpretive Comments Applicable Generally
 150.705 Paid-In Capital
 150.710 Advice to the Public
 150.720 Incorporating Licensed Professionals

AUTHORITY: Implementing and authorized by the Business Corporation Act of 1983 (Ill. Rev. Stat. 1991, ch. 32, pars. 1.01 et seq.) (805 ILCS 5/1.01 et seq.)

SOURCE: Adopted at 9 Ill. Reg. 1433, effective February 1, 1985; amended at 10 Ill. Reg. 5146, effective March 21, 1986; amended at 11 Ill. Reg. 10302, effective June 1, 1987; amended at 17 Ill. Reg. _____, effective _____.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Person" includes any individual, corporation, partnership, association, or firm legally capable of either seeking the action of the Office or being the subject of said action.

"Respondent" means a person against whom a complaint or petition is filed, or who, by reason of interest in the subject matter of a petition or application or the relief sought therein, is made a respondent or to whom an order or complaint is directed by the Department initiating a proceeding.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART B: SALE AND RELEASE OF INFORMATION

Section 150.200 Annual List of Corporations

- a) The annual list of corporations shall contain the list of all corporations registered in the State of Illinois, both foreign and domestic during a calendar year, as shown on the records of the Department of Corporations Business Services of the Office of the Secretary of State.

- b) All requests for the annual list shall be sent to the Director of the Department of Corporations Business Services at Room 328, Centennial Howlett Building, Springfield, Illinois 62756.

- c) The fee for the annual list shall be \$38.00 \$75.00 and includes postage. The fee shall be paid by certified check or money order. No fee shall be charged to local governments or state departments or agencies.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 150.210 Monthly List of Corporations

- a) The monthly list of newly formed corporations shall consist of the daily lists compiled for the previous calendar month. (Supp--to Ill Rev. Stat. 1983 1991, ch. 32, par. 1.25) {805 ILCS 5/1.25}
- b) Local governments or state departments, desiring to receive the monthly list of corporations shall request such list in writing, directed to the Director of the Department of Corporations Business Services, Room 328, Centennial Howlett Building, Springfield, Illinois 62756.

- c) The fee for the monthly list shall be \$175.00 \$180.00 per year, payable by check or money order for a 12 month subscription or \$15.00 per month for the balance of a subscription term, unless a fee exemption in Section 1.25 of the Business Corporation Act of 1983 (Supp--to Ill. Rev. Stat. 1983 1991, ch. 32, pars. 1.01 et seq.)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

NOTE: Statutory language is denoted by capital letters

SUBPART A: HEARING PROCEDURES

Section 150.20 Definitions

"Act" shall mean the Business Corporation Act of 1983, as amended (Ill. Rev. Stat. 1991, ch. 32, par. 1.01 et seq.) {805 ILCS 5/1.01 et seq.}

"Applicant" or "petitioner" is the party who, by written request seeks or applies for any relief from the Department under the provisions of the Business Corporation Act of 1983, or otherwise from any rule, regulation, order, or determination of the Office.

"Contested case" means any adjudicatory proceeding conducted by the Office in which the legal rights, privileges, immunities, duties, or obligations of any person or party are required by law or regulation to be determined by the Secretary of State after an opportunity for a hearing.

"Department" means the Department of Corporations Business Services of the Office of the Secretary of State of Illinois.

"Director" means the Director or Acting Director of the Department.

"Division" means the Corporation Division of the Department.

"Hearing" means a proceeding conducted by the Department of Corporations Business Services of the Secretary of State in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary of State only after opportunity for a hearing.

"Hearing Officer" means the Director of Corporations or his designee who is to preside at any hearing conducted by the Department of Corporations of the Secretary of State; the presiding official(s) designated by the Department of Business Services of the Secretary of State to conduct a hearing or anyone designated by the Department of Business Services to hear evidence. The hearing officer must be admitted to practice law in the State of Illinois and must be a member in good standing of the Bar of Illinois.

"Office" refers to the Office of the Secretary of State and not to any particular department, address, or location.

"Party" means any person named or admitted as a participant in any hearing conducted pursuant to these rules, including the Office and Department.

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{805 ILCS 5/1.01 et seq.} exists. The subscription term shall be only from January to December of a calendar year. A subscriber may purchase the balance of a subscription term, but not on a month to month basis.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 150.220 Daily List of Corporations

a) The daily list of newly formed corporations, business and not-for-profit, shall be published by the Department of Corporations Business Services.

b) All requests to subscribe to the daily list for the term of one year from the date of request shall be sent to the Director of the Department of Corporations Business Services, Room 328, Centennial Howlett Building, Springfield, Illinois 62756.

c) The charge for the subscription to the daily list of corporations shall be \$318.00, payable by certified check or money order by all subscribers, except local governments or state departments and agencies.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 150.240 Abstracts of Corporate Record

a) An abstract of corporate record of a corporation shall consist of a hard copy print-out of the information shown on the computer records of the Department of Corporations Business Services of the Office of the Secretary of State.

b) All requests for abstracts of corporate records shall be in writing shall be sent to the Department of Corporations Business Services, Room 328, Centennial Howlett Building, Springfield, Illinois 62756. Attention: Abstracts.

c) The fee for each abstract of corporate record shall be \$5.00 \$2.00 and must accompany the written request.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART C: ERRORS, REFUNDS, CORRECTIONS, ADJUSTMENTS AND ERRORS, OBJECTIONS, AND OTHER RELIEF

Section 150.305 Refund-and-Adjustments-of-Assessments Financial Data as Support Documentation

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a) ---A petition for a refund or for an adjustment of an assessment may be filed for amounts paid or for assessments made prior to July 1, 1984, provided such petition is filed within 3 years after the amount to be refunded was paid or the amount to be adjusted should have been assessed or paid; that in no event shall any petition for a refund or adjustment be filed for any payment or assessment made prior to July 1, 1984. (Ill. Rev. Stat. 1984 Supp. 7-CH-32, par. 1.17)

b) Any statement of corporation which may result in a refund or adjustment of more than \$5,000.00 must be accompanied by a financial statement by a certified public accountant explaining in detail the financial and accounting basis for the petition. This statement must explain when, by whom, and through what process the original error or mistake was made, and the true financial facts at the time of original filing of documents by the corporation.

b) Internal Revenue forms for corporate taxes, state tax forms for corporate taxes, corporate income sheets, and other corporate financial reports shall be submitted if requested by the Department to show the validity of the statements contained in the petition.

(Source: Added at 17 Ill. Reg. _____, effective _____)

SUBPART D: NAMES

Section 150.400 Preliminary Determination of Availability

Requests for searches of the records of the Secretary of State, Department of Corporations Business Services for a preliminary determination of the availability of a proposed name will only be accepted through the Springfield office of the Department. Requests may be made over the counter, by letter, or by telephone and will be answered by the same method; however, no more than three searches may be requested by a single telephone call. A preliminary determination of availability shall be informational only and shall not be deemed a final determination for any purpose.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 150.405 Final Determination of Availability

A final determination whether a proposed name is available as a corporate name shall be made only upon payment of the proper fees as listed in Section 15.10 of the Act (Supp. to Ill. Rev. Stat. 1983 1991, ch. 32, par. 15.10) {805 ILCS 5/15.10} and the submission of a document required or permitted to be filed with the Secretary of State, stamped and filed with the Department of Corporations Business Services, which necessitates such a determination. (See Supp. to Ill. Rev. Stat. 1983 1991, ch. 32, par. 4.05 to 4.25) {805 ILCS 5/4.05 to 5/4.25}

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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2) The use of these words shall be allowed if the corporation is not doing financial business and the otherwise prohibited word is a person's proper name, e.g. "Robert Banks".

c) The Department will prohibit the incorporation of corporations which seek to use names or have purposes which violate Section 3.05 (5/3.05) and 4.05(a)(2) (4.05(a)(2)) of the Act. This prohibition does not apply to names or purposes specifically authorized by these rules.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART E: SERVICE OF PROCESS ON THE SECRETARY OF STATE

Section 150.510 Manner of Service

a) Any process, notice or demand to be served under this Part shall be made upon the Secretary of State, or the Director of the Corporation Department of Business Services, or any employee of the Department designated by the Director to accept such service for him or her, in the following manner:

1) Service shall comply with the provisions of the Civil Practice Law in all respects: (Ill. Rev. Stat. 1983 1991, ch. 110, pars. 2-201 and 2-212) (735 ILCS 5/2-201 and 5/2-212), the Federal Rules of Civil Procedure (28 USCA) or any administrative rules of service, as may be appropriate.

2) The affidavit of compliance required by Section 5.25 (5/5.25) of the Business Corporation Act of 1983 to be appended to the process, notice or demand to be served, containing the information described in paragraph (b) herein, shall be signed by the person instituting the action, suit or proceeding or by an attorney of record and the signature of the affiant, without more, shall constitute the affirmation or acknowledgment, under penalties of perjury, that the affidavit is the act or deed of the affiant and that the facts stated therein are true.

b) The affidavit of compliance shall state:

- 1) the title of the court or administrative agency;
- 2) the title of the case, showing the names of the first named plaintiff and the first named defendant;
- 3) the number of the case;
- 4) the title of the instrument;
- 5) the name of the corporation to be served;

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Section 150.420 Effect of Final Determination

A final determination under this subpart that a corporate name is available is concerned solely with the administrative convenience of the Department of Corporations Business Services, and does not warrant the name selected or guarantee the unqualified use of the name without regard to the rights of other parties. The Secretary of State does not pass upon the legality of a corporate name by merely permitting incorporation, qualification, reservation or registration under a name. A final determination of corporate name availability is not based on deceptiveness, confusing similarity or other such considerations derived from unfair competition and trademark law.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 150.435 Standards - Conflicting Names

A corporate name shall be distinguishable upon the record of the Secretary of State, Corporation Department of Business Services, from the corporate name or any assumed corporate name of any domestic or foreign corporation in existence and on record or from any name reserved or registered.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 150.470 Restricted and Professional Words

a) Words which are subject to restrictions on their use in a corporate name include, but are not limited to, the following and any variations thereof: Trust, Pawnbro, Cooperative, Housing, Architecture, Engineering, Accounting, Adjusting, Insurance, Medicine, Law, Land Surveying, Psychology, Bank, Bankers, Banking, Union, Surety, Underwriters, Escrow, or any licensed professional services.

b) However, "Banks", "Banker", or "Banking" may be used in a corporate name if, at the time of filing of the articles of incorporation, application for certificate of authority by a foreign corporation, an amendment to either of these documents to change the corporate name, the corporation or incorporators give the Department a letter signed by the Commissioner of Banks and Trusts of Illinois granting permission to use these words, pursuant to the standards set forth in the Illinois Banking Act, Section 46 as amended. (Ill. Rev. Stat. 1991, ch. 17, par. 357) (205 ILCS 5/46).

1) The corporation using any of these aforementioned words must not be engaged in the banking business, but may be a bank holding company.

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- 6) the basis for service on the Secretary of State;
- 7) the address to which the instrument is to be sent (by registered or certified mail) by the affiant;
- 8) the name, address and telephone number of the attorney of record for the plaintiff or other affiant.
- c) The service of process in lawsuits against corporations is governed by Section 5.25 of the Business Corporation Act of 1983 (Ill. Rev. Stat. 1984-Supp. 1991, ch. 32, par. 5.25) {805 ILCS 5/5.25}.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 150.520 Place of Service

Service of any process, notice or demand made under this Part shall be had with the Corporation Department of Business Services either at Room 328, Centennial Howlett Building, Springfield, Illinois 62756, or at Room 426, 188 West Randolph Street, Chicago, Illinois 60601.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART F: FEES, FRANCHISE TAX AND LICENSE FEES: ANNUAL REPORT

Section 150.620 Annual Report

Pursuant to Section 14.05 {5/14.05} of the Business Corporation Act of 1983, (Ill. Rev. Stat. 1985 1991, ch. 32, par. 14.05, as amended) {805 ILCS 5/14.05}, the annual report of domestic or foreign corporation, to be filed in calendar year 1986 and thereafter shall include the following information and thereafter shall include

- a) ---The state or country under the laws of which the corporation is organized, the date of incorporation or qualification, and the period of its duration.

- b) ---A brief statement of the principal business activity of the corporation in this state and the federal Employer-Identification Number assigned to the corporation by the Internal Revenue Service.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 150.621 Confidentiality of Annual Report Financial Data

The Secretary and the Department shall keep confidential all corporate revenue and expense data contained in annual reports and applications for certificates of authority to do business filed with the Department as required by Section 1.40 of the Act. Such information shall not be released to any person, entity,

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government agency, or corporation except upon presentation to the Department of a valid and certified court order, issued by a court with jurisdiction over the corporation whose report is sought, directing the Department to release reported information. Any fee for copies must be paid at the same time of request by the party seeking the report. (Such confidentiality is pursuant to Section 1.40 {5/1.40} of the Act, because the financial information is being given to the Department in response to interrogatories on the annual report form and the forms for applying for a certificate of authority.)

(Source: Added at 17 Ill. Reg. _____, effective _____)

SUBPART G: INTERPRETIVE COMMENTS AND GENERAL PROVISIONS

Section 150.700 Interpretive Comments Applicable Generally

- a) The Department adopts the official comments of the Corporate Acts Advisory Committee of the Secretary of State on the Illinois Business Corporation Act of 1983 as a guide in administering and interpreting the Act and incorporates it herein pursuant to Section 6.02 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1006.02) {5 ILCS 100.5-75}. Copies of the official comments (published by the Illinois Institution for Continuing Legal Education) are available from the Department during regular business hours.

- b) The annotations in the Illinois Business Corporation Act Annotated, with forms, Third Edition, as supplemented, copyright 1975, prepared by the Chicago Bar Association, to the extent that they continue to apply to those sections of the Act which remain in effect, are also adopted and incorporated by reference herein, pursuant to Section 6.02 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1006.02) {5 ILCS 100.5-75}. Those annotations were written by nationally recognized authority on the Illinois Business Corporation Acts of 1943 and 1983, respectively. A copy of this book, in three volumes, is available for inspection in the Department's Springfield office.

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 150.705 Paid-In Capital

The phrase "paid-in capital represented by such acquired shares" contained in Section 1.80(j) {5/1.80(j)} of the Act shall mean the cost or actual cost of the re-acquired shares paid by the corporation, or decrease in paid-in capital, to the corporation from the acquisition of shares. Except, that in the case of a wholly owned subsidiary, which subsidiary is created and funded totally from the assets of the parent corporation, the merger of the subsidiary back into the parent corporation shall not result in the totalling of the paid-in capital of the parent and subsidiary corporations as to corporate funds or assets which

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were not created previously by one of the merging corporations and transferred to the other corporation. The surviving corporation must demonstrate by competent financial evidence presented to the Department what the history of the financial transactions are between the parent and subsidiary corporation. If the request of the corporation is denied, it may seek relief pursuant to Subpart A of this Part.

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 150.710 Advice to the Public

The Department staff will not provide legal advice to any member of the public concerning the Act, or the best or better words or phrases to place in the forms provided by the Department for use under the Act.

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 150.720 Incorporating Licensed Professionals

a) Authorized Corporate Structures

The following professionals may incorporate using only the corporate structures indicated on this list:

1. The Business Corporation or Professional Corporation Act may be used by these professions:

Profession

Statutory Reference

Chapter 111, Section 7501
{225 ILCS 335/1}

Roofer

Chapter 111, Section 1301
{Section 1321}{225 ILCS 305/11
305/21}

Architecture

Chapter 111, Section 5201
{Section 5223}{225 ILCS 325/1
325/23}

Professional Engineering

Chapter 111, Section 6601
{Section 6619}{225 ILCS 340/1
340/19}

Structural Engineering

Chapter 111, Section 3251
{Sections 3266, 3275, 3276}
{225 ILCS 330/1}{330/16,
330/25, 330/26}

Land Surveyors

Landscape Architect

Chapter 111, Section 8103(g)
{225 ILCS 315/3(g)}

Pharmacist

Chapter 111, Section 4121
{225 ILCS 85/1}

(Pharmacy may be if BCA, but
the pharmacist himself may
only be a PC)

Real Estate Broker

Chapter 111, Sections 5801,
5804, par. 4 {225 ILCS 455/1,
455/5(4)}

Marriage and Family Therapists

Chapter 111, Section 8357

Private Security Guard,

Chapter 111, Section 2651

Private Detectives, and

{225 ILCS 430/1}

Private Alarm Contractors

(Person shall be PC if detective,

but agency can be BCA)

Detection of Deception Examiners

Chapter 111, Section 2401
{225 ILCS 430/1}

Collection Agencies

Chapter 111, Section 2001
{225 ILCS 425/1}

2. The Professional Corporation Act, in its statement of intent, specifically states that it was enacted to allow licensed professionals to use this form of corporate structure.

Professional Corporations

Chapter 111, Section 7601
{225 ILCS 5/1}

Athletic Trainer

Chapter 111, Section 1701-1
{225 ILCS 410/1-1}

Barbers

(BCA can be formed to own
barber shops, but licensed
barber can only form PC)

Cosmetologists

Chapter 111, Section 1703-1
{225 ILCS 410/3-1}

(BCA can be formed to own
barber shops, but licensed
barber can only form PC)

Esthetician

Chapter 111, Section 1703A-1
{225 ILCS 410/3A-1}

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Nail Technicians

Chapter 111, Section 1703C-1
{225 ILCS 410/3C-1}

Funeral Directors/Embalmer

(Any person can form a business corporation to own a funeral home, but the operation of a funeral home is limited to a licensed funeral director)

Chapter 111, Section 2824.01

Speech-Language Pathologists and Audiologists

Chapter 111, Section 7901
{225 ILCS 110/1}

Physicians, including osteopath psychiatrist and chiropractor

Chapter 111,
Section 4400-1, 4400-22
Par. 14 {225 ILCS 60/1,
60/22(14)}

Dentists (Dental Hygienists)

Chapter 111, Section 2301
Section 2344 {225 ILCS 25/1,
25/44}

Podiatrist

Chapter 111, Section 4801
{225 ILCS 100/1}

Psychologist

Chapter 111, Section 5351
{Section 5353}{225 ILCS 15/1
(15/3)}

Physical Therapist

Chapter 111, Section 4251
{225 ILCS 90/1}

Occupational Therapist

Chapter 111, Section 3701
{225 ILCS 75/1}

Clinical Social Workers

Chapter 111, Section 6351
{225 ILCS 20/1}

Interior Design

Title Act, Chapter 111,
Section 8201 {225 ILCS 310/1}

Nutritionists and Dietitians

Chapter 111, Section 8401

Pharmacist

Chapter 111, Section 4121
{225 ILCS 85/1}

Nurses

Chapter 111, Section 3501
{225 ILCS 65/1}

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Public Accountants

Chapter 111, Sections 5500.01
5516 {225 ILCS 450/0.01,
450/15}

Shorthand Reporters

Chapter 111, Section 6202
{225 ILCS 415/2}

Veterinarians

Chapter 111, Sections 7001,
7022 {225 ILCS 115/1, 115/22}

Nursing Home Administrators

Chapter 111, Section 3651
{225 ILCS 70/1}

Attorneys

Supreme Court Rule 721

Optometrist

Chapter 111, Section 3901
{Section 3923} {225 ILCS 80/1
(80/23)}

Chiropractor

Chapter 111, Section 4400-1
{225 ILCS 60/1}

Doctors

Chapter 111, Section 4400-1
{225 ILCS 60/1}

This list was developed in coordination with the Department of Professional Regulation. The corporate purposes will include the following language:

b) Required language in incorporation documents for Professional Corporations:

1) Names

A professional corporation shall adopt a name consisting of the full or last name of one or more of its shareholders; except that if not prohibited by law, rules of a regulating authority or the canons of ethics of the professional concerned, a professional corporation may adopt a fictitious name. If the corporation does adopt a fictitious name or continues to use the name of a deceased shareholder, the name of a member of a predecessor organization, it shall file with county clerk of the county where its principal place of business is located under "An act in relation to the use of an assumed name in the conduct of transaction of business in this State," approved July 17, 1941, as now or thereafter

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amended. It shall be permissible for a professional corporation to continue to use the name of a deceased shareholder for a period of one year after his death without recording the name of the corporation with the county clerk as hereinabove provided. A professional corporation may continue to use the name of a shareholder who voluntarily withdraws from the corporation if the withdrawing shareholder files with the regulating authority his written permission for the continued use of its name by the professional corporation. This permission shall remain in effect until written revocation has been received by the regulating authority from the former shareholder.

The corporation name shall end with the word "Chartered" or "Limited" or the abbreviation "Ltd.", or with the words "Professional Corporation" or the abbreviation "Prof. Corp." or the initials "P.C."

2) Purpose:

Professional Corporation: To practice the profession of rendering that type of professional service and services ancillary thereto.

Professional Service will be rendered from the following address:

3) Attorney's Under the Professional Service Corporation Act:

The Articles of Incorporation of a Professional Service Corporation which is to be engaged in the practice of law must also contain, in the Articles, the following statement:

"All shareholders shall be jointly and severally liable for the acts, errors and omissions of the shareholders and other employees of the corporation, arising out of the performance of professional services by the corporation while they are shareholders."

c) Required language in incorporation documents for Medical Corporations

1) Names

The corporate name shall end with the word "chartered" or "limited" or the abbreviation "Ltd." or the words "Service Corporation" or the abbreviation "S.C."

2) Purpose

Medical Corporation: To own, operate and maintain an establishment for the study, diagnosis and treatment of human ailments and injuries, whether physical or mental, and to promote

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medical, surgical and scientific research and knowledge; provided that medical or surgical treatment, consultation or advice may be given by employees of the corporation only if they are licensed pursuant to the Medical Practice Act.

(Source: Added at 17 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

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4186

ILLINOIS COMMUNITY COLLEGE BOARD

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- 1) The Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 1050
- 3) Section Numbers: Adopted Action:

1050.10	new section
1050.20	new section
1050.30	new section
1050.40	new section
1050.50	new section
1050.60	new section
1050.70	new section
- 4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 102-4 of the Illinois Public Community College Act (Ill. Rev. Stat. 1991, ch. 122, par. 102-4) [110 ILCS 8052-4]
- 5) Effective Date of Amendments: March 22, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: March 19, 1993
- 9) Notice of Proposal Published in Illinois Register:
November 20, 1992 16 Ill. Reg. 17399
- 10) Has ICAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: No substantive changes were made; only minor editorial changes were made.
- 12) Have all the changes agreed upon by the agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this part? No
- 15) Summary and Purpose of Amendments:

The Americans With Disabilities Act requires that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Christine Merrifield
Deputy Director
Illinois Community College Board
509 South Sixth Street, Room 400
Springfield, Illinois 62701-1874
Telephone: (217) 785-0085

The full text of the Adopted Amendments begins on the next page:

ILLINOIS REGISTER

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NOTICE OF ADOPTED RULES

TITLE 4: DISCRIMINATION PROCEDURES

CHAPTER XXXIX: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1050

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section:	Purpose
1050.10	Definitions
1050.20	Procedure
1050.30	Designated Coordinator Level
1050.40	Final Level
1050.50	Accessibility
1050.60	Case-by-Case Resolution

AUTHORITY: Implementing and authorized by Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 102.4 of the Illinois Public Community College Act (Ill. Rev. Stat. 1991, ch. 122, par. 102-4) [110 ILCS 805/2-4].

SOURCE: Adopted at 17 Ill. Reg. 4185, effective March 22, 1993.

Section 1050.10 Purpose

- a) This Americans With Disabilities Act Grievance Procedure ("Procedure") is established pursuant to the Americans With Disabilities Act of 1990, 42 U.S.C. 12101 ("ADA"), and specifically Section 35.107 of the Title II regulations, 28 CFR 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges, and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service, and activity offered by the Board, when viewed in its entirety, be readily accessible to and usable by a qualified individual with disabilities.
- c) It is the intention of the Board to foster open communications with all individuals requesting readily accessible programs, services, and activities. The Board encourages supervisors of programs, services, and activities to respond to requests for modifications before they become grievances.

Section 1050.20 Definitions

"Board" is the Illinois Community College Board.

"Complainant" is an individual with a disability who files a Grievance Form provided by the Board under this procedure.

"Designated Coordinator" is the person appointed by the Executive Director who is responsible for the coordination of efforts of the Board to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. See 28 CFR 35.107. The Designated Coordinator for the Board may be contacted at 509 S. Sixth Street, Room 400, Springfield IL 62701 or by telephone at 217-785-0085.

"Grievance" is any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity, or service offered by the Board, and believes he or she has been excluded from participation in, or denied the benefits of, any program, service, or activity of the Board or has been subject to discrimination by the Board.

Section 1050.30 Procedure

- a) Grievances must be submitted through the channels defined below in the form described and within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Board's final response.
- c) The Board shall, upon being informed of the individual's desire to file a formal grievance, instruct the individual how to receive a copy of the Grievance Form.

Section 1050.40 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance shall be provided by the Board to complete the Grievance Form.
- c) The Designated Coordinator, or his or her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and the Executive Director within 10 business days after receipt of the Grievance Form.

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Section 1050.50 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Executive Director of the Board for final review. The complainant shall submit these documents to the Executive Director, together with a short written statement explaining the reasons for dissatisfaction with the Designated Coordinator's written response, within five business days after receipt by the complainant of the Designated Coordinator's response.
- b) The Executive Director shall appoint a three-member panel to review the grievance at the Final Level. One member so appointed shall be the designated chairperson.
- c) The complainant shall be afforded an opportunity to appear before the panel and shall have a right to appoint a representative to appear on his or her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon reaching concurrence, the panel shall make a recommendation in writing to the Executive Director as to the proper resolution of the grievance. All such recommendations shall include reasons for the recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a signed recommendation to the Executive Director.
- e) Upon receipt of recommendations from the panel, the Executive Director shall approve, disapprove, or modify the panel recommendations; shall render a decision thereon in writing; shall state the basis therefor; and shall cause a copy of the decision to be served on the parties. The Executive Director's decision shall be final. If the Executive Director disapproves or modifies the panel recommendations, he or she shall include written reasons for such disapproval or modification.
- f) The Grievance Form, the Designated Coordinator's response, the statement of the reasons for dissatisfaction, the recommendation of the panel, and the decision of the Executive Director shall be maintained for a period of three years.

Section 1050.60 Accessibility

The Board shall ensure that all stages of the procedure are accessible to and usable by individuals with disabilities.

Section 1050.70 Case-By-Case Resolution

Each grievance involves a unique set of factors. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Procedures For Operation of the Non-Hazardous Solid Waste Fee System
- 2) Code Citation: 35 Ill. Adm. Code 858
- 3) Section Numbers: Adopted Action:
858.207 Amended
- 4) Statutory Authority: Implementing and authorized by Section 22.15 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1022.15) [415 ILCS 5/22.15].
- 5) Effective Date of Rule: March 26, 1993
- 6) Does this rulemaking contain an automatic repeal date? Yes X No
If so, please specify date: _____
- 7) Does this rulemaking contain incorporations by reference? No
If yes, was a copy of the approval form issued by JCAR attached to this rulemaking?
- 8) Date Filed in Agency's Principal Office: March 23, 1993
- 9) Notice(s) of Proposal Published in Illinois Register: March 27, 1992, 16 Ill. Reg. 4621
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
A typographical error was corrected. The ILCS citation was added in the authority note.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

Sections Numbers	Proposed Action	Illinois Register
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- 15) Summary of Purpose of Rulemaking: The proposed amendment to Section 858.207 is minor and serves to provide the Agency with reliable solid waste gate yard capacity estimates. All capacity estimates must be

ENVIRONMENTAL PROTECTION AGENCY

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prepared by, or under the supervision of, a registered professional engineer.

16) Information and questions regarding this adopted rule shall be directed to:

Name: Susan J. Schroeder
Associate Counsel
Address: Division of Legal Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217/782-5544

The full text of the Proposed Rule begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WASTE DISPOSAL
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 858
PROCEDURES FOR OPERATION OF THE
NON-HAZARDOUS SOLID WASTE FEE SYSTEM

SUBPART A: GENERAL PROVISIONS

Section	
858.101	Applicability
858.102	Definitions
858.103	Exemptions from Fee System
858.104	Retention of Records
858.105	Certification
858.106	Severability
858.107	Landfills Maintaining Records under Subparts B and C

SUBPART B: PROCEDURES FOR MAINTAINING
RECORDS WHERE THE QUANTITY OF WASTE HAS BEEN WEIGHED

Section	
858.201	Applicability
858.202	Records
858.203	Daily Solid Waste Record
858.204	Quarterly Solid Waste Summary (Recodified)
858.205	Supplemental Solid Waste Record (Recodified)
858.206	Monthly Solid Waste Record
858.207	Quarterly Solid Waste Summary
858.208	Revisions to Monthly Solid Waste Record and Quarterly Solid Waste Summary

SUBPART C: PROCEDURES FOR MAINTAINING RECORDS WHERE
THE QUANTITY OF WASTE HAS NOT BEEN WEIGHED

Section	
858.301	Applicability
858.302	Records
858.303	Daily Solid Waste Record
858.304	Quarterly Waste Summary (Recodified)
858.305	Supplemental Solid Waste Record (Recodified)
858.306	Measurement (Recodified)
858.307	Monthly Solid Waste Record
858.308	Quarterly Solid Waste Summary
858.309	Revisions to Monthly Solid Waste Record and Quarterly Solid Waste Summary
858.310	Measurement

ENVIRONMENTAL PROTECTION AGENCY

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SUBPART D: PROCEDURES FOR PAYMENT OF FEES

Section

858.401 Quarterly Submission of Payment
858.402 Manner of Payment

AUTHORITY: Implementing and authorized by Section 22.15 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1022.15) [415 ILCS 5/22.15].

SOURCE: Emergency Rules adopted at 11 Ill. Reg. 1668, effective January 1, 1987, for a maximum of 150 days; adopted at 11 Ill. Reg. 9605, effective May 15, 1987; Sections 858.204, 858.205, 858.304, 858.305 and 858.306 recodified to Sections 858.207, 858.208, 858.308, 858.309 and 858.310, respectively, at 13 Ill. Reg. 5945; amended at 13 Ill. Reg. 17428, effective October 31, 1989; amended at 14 Ill. Reg. 16913, effective October 1, 1990; amended at 17 Ill. Reg. 4190, effective March 26, 1993.

SUBPART B: PROCEDURES FOR MAINTAINING RECORDS WHERE THE QUANTITY OF WASTE HAS BEEN WEIGHED

Section 858.207 Quarterly Solid Waste Summary

- a) A Quarterly Solid Waste Summary shall be maintained at the site and shall include the following information:
 - 1) The Agency designated site number, the site name and the calendar quarter for which the summary applies.
 - 2) The total quantity of solid waste received in tons weighed:
 - A) for each month of the calendar quarter;
 - B) for the entire calendar quarter; and
 - C) for the calendar year-to-date.
 - 3) The quantity of solid waste permanently disposed in tons weighed which is exempted from the fee payment provisions showing the categorical exemption which applies under Section 858.103:
 - A) for each month of the calendar quarter;
 - B) for the entire calendar quarter; and
 - C) for the calendar year-to-date.
 - 4) The quantity of solid waste permanently disposed in tons weighed which is subject to the fee payment provisions:
 - A) for the month of the calendar quarter;
 - B) for the entire calendar quarter; and
 - C) for the calendar year-to-date.
 - 5) The fee rate applicable under Section 22.15 of the Act.
- b) The Quarterly Solid Waste Summary shall be received by the Agency on or before April 15, July 15, October 15 and January 15 of each year and shall cover the three calendar months preceding the receipt date.
- c) In addition to the information set forth in subsection (a), the Quarterly Solid Waste Summary due on April 15 of each year shall

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include an estimate of the gateway capacity remaining at the site under the Agency developmental permit then in effect as of April 1 of each year and an estimate of the expected lifetime for that remaining capacity. All capacity estimates shall be prepared by, or under the supervision of, a registered professional engineer. The registered professional engineer shall affix the name of the engineer, date of preparation, registration number, a statement attesting to the accuracy of the capacity estimate and a professional seal to all estimates. The remaining gateway capacity estimate shall be submitted to the Agency on a form provided by the Agency.

AGENCY NOTE: "gateway capacity" refers to the amount of waste as measured upon receipt which the site can accept. This term does not refer to the void space remaining in place at the disposal site.

(Source: Amended at 17 Ill. Reg. 4190, effective March 26, 1993)

1) Heading of Part: Actuarial Opinion and Memorandum

2) Code Citation: 50 Ill. Adm. Code 1408

3) Section Number: Adopted Action:

1408.10	New Section
1408.20	New Section
1408.30	New Section
1408.40	New Section
1408.50	New Section
1408.60	New Section
1408.70	New Section
1408.80	New Section
1408.90	New Section
1408. ILLUSTRATION A	New Section

4) Statutory Authority: Implementing and authorized by Section 223 of the Illinois Insurance Code (215 ILCS 5/223 et seq.)

5) Effective Date of Rule: March 23, 1993

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this Rule contain incorporations by reference? No.

8) Date filed in Agency's Principal Office: March 22, 1993

9) Notice of Proposal Published in Illinois Register:

June 12, 1992, 16 Ill. Reg. 8735

10) Has JCAR issued a Statement of Objections to this rule? No.

11) Difference(s) between proposal and final version:

- a) AUTHORITY: The statutory citation has been updated.
- b) Section 1408.10(a) - On the third line, "Section 223 (1a) of" has been deleted. Also on line three, a citation has been added following the reference to the Code.
- c) Section 1408.20(a) - On the eighth line, an "s" has been added to the word "year".

d) Section 1408.30 - A new definition has been added, Actuarial Opinion.

e) Section 1408.30 - Definitions - Annual Statement - On line three, the citation has been updated and the word "annually" has been added following the word "filed". The word "annually" has been deleted following the word "Director".

f) Section 1408.30 - Definitions - Code - The citation has been updated.

g) Section 1408.30 - Definitions - Non-Investment Grade Bonds - On the second line, "National Association of Insurance Commissioners" has been added ahead of the acronym.

h) Section 1408.40(a)(2) - On the fifth line parenthesis surround the number "1" and the words "of this Part" have been added following the number "(3)". Also, on line nine, "of this Part" has been added following the reference to "Illustration A".

i) Section 1408.40(b)(1), (2), (3) and (4)(A)(B) and (C) - The conjunction following the semicolon has been deleted from each subparagraph.

j) Section 1408.40(b)(4)(E) - On the third line "on" has been changed to "of". On line five, "acceptable" has been changed to "accepted".

k) Section 1408.40(b)(5) - On the second line, the word "take" is now "taken".

l) Section 1408.40(c) - On the twelfth line, "Section" has been changed to "subsection" and the number 1408.40 has been deleted. Also the word "above" has been added following the reference to "(b)". On line seventeen, "Section" has been changed to "subsection" and the number "1408.40" has been deleted. Also the word "above" has been added following the reference to "(b)".

m) Section 1408.40(d)(2) - On the first line, "as are" has been deleted.

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- n) Section 1408.40(e)(4) - On the second to the last line, "would" has been changed to "shall".
- o) Section 1408.50(c)(1)(D) - On the first line "National Association of Insurance Commissioners" has been deleted and the parenthesis that surround the acronym have been deleted. Also on the second line "not" has been changed to "neither". On line four, "any" has been deleted and "either" has been added in lieu thereof. On line six, "or" has been changed to "nor". And finally, "and the Director has so notified the Chair of the NAIC Life and Health Actuarial Task Force and the NAIC staff and support office" has been added at the end of the last sentence.
- p) Section 1408.50(c)(2)(A)(B) and (C) - The period at the end of each subparagraph has been changed to a semicolon.
- q) Section 1408.50(c)(2)(D) - On the first line "National Association of Insurance Commissioners" has been deleted and the parentheses that surround the acronym have been deleted. Also on the second line "not" has been changed to "neither". On line four, "any" has been deleted and "either" has been added in lieu thereof. On line six, "or" has been changed to "nor". And finally, "and the Director has so notified the Chair of the NAIC Life and Health Actuarial Task Force and the NAIC staff and support office" has been added at the end of the last sentence.
- r) Section 1408.50(c)(3) - On the second line, "subsection" has been made plural.
- s) Section 1408.50(c)(5) - On the thirteenth line, "subsection" has been added ahead of the reference to "(A)".
- t) Section 1408.50(c)(5)(A)(B) and (C) - The period at the end of each subparagraph has been changed to a semicolon.
- u) Section 1408.50(c)(5)(D) - On the first line "National Association of Insurance Commissioners" has been deleted and the parentheses that surround the acronym have been deleted. Also on the second line "not" has been changed to "neither". On line four, "any" has

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- been deleted and "either" has been added in lieu thereof. On line six, "or" has been changed to "nor". And finally, "and the Director has so notified the Chair of the NAIC Life and Health Actuarial Task Force and the NAIC staff and support office" has been added at the end of the last sentence.
- v) Section 1408.50(c)(6) - On the first line, "this" has been added following the word "by". On line two "1408.50" has been deleted. On line four, "calendar" has been added following the word "any". And finally on line seven, "for" has been deleted.
- w) Section 1408.60(a)(2) - On the second to the last line, "this" has been added following the word "with" and the reference to "1408.60 of this Part" has been deleted.
- x) Section 1408.60(b) - On the first line "provided" has been deleted. On the third line, "The" has been deleted and "Although" has been inserted in lieu thereof. On the fifth line, "but" has been deleted and "and" has been inserted in lieu thereof. On the seventh line, the period following "judgement" has been changed to a comma and "However, in any event" has been removed. And finally, the reference to "1408.60" at the end of this subsection, has been deleted.
- y) Section 1408.60(b)(1)(A) and (B) - On the seventh line, "the" has been deleted and "a" has been inserted in lieu thereof. Also on the tenth line, "the" has been changed to "this".
- z) Section 1408.60(b)(2) - On the third line, a comma has been added following the word "exempt". Also, "50 Ill. Adm. Code" has replaced "part" on this same line. On line four, "rules" has been added following "Insurance".
- aa) Section 1408.60(b)(3) - On the fifth line, the comma following "below" has been deleted in addition to "as". On line seven, the comma following "officials" has been deleted.
- bb) Section 1408.60(b)(3)(D) - On the first line "as of the" has been added following "liability" and "the" has been added following "of".

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- nn) Section 1408.60(b)(10) - On the fourth line the comma has been deleted.
- oo) Section 1408.80(a)(4) - On the third line a comma has been inserted following "company". On the second to the last line, "any one of" has been deleted. On the last line, "any one of" has been added following the word "or".
- pp) Section 1408.80(b) - In this subsection heading, "of this Part" has been added following "1408.70".
- qq) Section 1408.80(b) - On the second line, "of the Part" has been added following the reference to "Illustration A".
- rr) Section 1408.80(b)(1)(D) - An "and" now follows the semicolon.
- ss) Section 1408.80(b)(2)(D) - The period has been changed to a semicolon and "and" now follows the semicolon.
- tt) Section 1408.80(b)(2)(E) - This is a new subparagraph.
- uu) Section 1408.80(b)(3)(D) - An "and" now follows the semicolon.
- vv) Section 1408.90(a)(2)(B) - On the third line "method" has been made plural and "in subsection" immediately follows it.
- ww) Section 1408.90(b) - On the second to the last line, "should" has been changed to "shall".
- xx) Section 1408.90(c) - "An appropriate allocation of" has been added to introduce the first sentence. On line four, "an appropriate allocation of" has been added following "include". Finally, ", must be disclosed in the memorandum" has been added at the end of the last sentence.
- yy) Section 1408.90(d)(2) - On the first line, "any" has been deleted and "these and" has been added in lieu thereof. Also on the first line, "projected" has been added following "used". On the second line all language which follows "rates" has been replaced by "for a five (5) year Treasury Note need not be reduced beyond

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- cc) Section 1408.60(b)(5)(A) - On the tenth line a semicolon has been added following the word "necessary".
- dd) Section 1408.60(b)(6)(A) - On the first line "those" has been added following "with". On the second line, "consistently applied . . ." has been deleted and "which specifically relate to the opinion required under this Section" has been added in lieu thereof.
- ee) Section 1408.60(b)(6)(C) - On the second line "state" has been capitalized, and the period at the end of this subparagraph has been changed to a semicolon.
- ff) Section 1508.60(b)(6)(D) - The "and" following the semicolon has been deleted.
- gg) Section 1408.60(b)(6)(E) - The period at the end of this subparagraph has been changed to a semicolon and "and" has been added immediately thereafter.
- hh) Section 1408.60(b)(6)(F) - On the third line "Standards of Practice" has been deleted and "Compliance Guidelines" has been added in lieu thereof. On line five "standards" has been deleted and "guidelines" has been added in lieu thereof.
- ii) Section 1408.60(b)(7) - On line three, "and Illustration A" has been deleted.
- jj) Section 1408.60(b)(7)(A) - On the second line, "Section" has been deleted and "50 Ill. Adm. Code" has been added in lieu thereof. Also on the second line, "of this Part" has been deleted.
- kk) Section 1408.60(b)(7)(B)(i) - On the last line "(Section" has been deleted and "50 Ill. Adm. Code" has been inserted in lieu thereof.
- ll) Section 1408.60(b)(7)(B)(iv) - On the second line, "not" has been changed to "neither". On the third line, "any" has been changed to "either". On the sixth line, "or" has been changed to "nor".
- mm) Section 1408.60(b)(8) - On the fifth line, "to consistency" has been added following the word "reference".

the point where such five (5) year Treasury Note yield would be at fifty percent (50%) of its initial level."

zz) Section 1408.90(d)(3) - On the fourth line, "may" has been added following "or". On line seven, "whatever" has been replaced by "The" and "is" has been deleted. On line nine, "should" has been changed to "shall". Finally on the second to the last line, "should" has been changed to "shall".

aaa) Section 1408.90(e) - On the second line "documentation" has been moved ahead of "sufficient" and "so that it will be possible" has been deleted.

bbb) 1408.ILLUSTRATION A (a) - On the second line, "of this Part" has been added following "1408.70".

ccc) 1408.ILLUSTRATION A (a)(2) - On the sixth line the comma has been deleted. On the seventh line a comma has been added following "below".

ddd) 1408.ILLUSTRATION A (a)(3) - On the fourth line, a comma has been deleted. On the fifth line a right parenthesis has been added following "assets".

eee) 1408.ILLUSTRATION A (a)(5)(C)(D) and (E) - The period at the end of each subparagraph has been changed to a semicolon. Also in (a)(5)(C) on the third line "Mandatory Security" has been deleted and "Asset" has been added in lieu thereof. The acronym has also been changed.

fff) 1408.ILLUSTRATION A (b) - On the third line, "of this Part the" has been added following "1408.70" and "Language" has been lower cased appropriately. Also on line three a comma has been added following "which".

ggg) 1408.ILLUSTRATION A (b)(1)(A) - On line seven, "the" has been deleted and "a" has been added in lieu thereof.

hhh) 1408.ILLUSTRATION A (b)(1)(B) - On line seven, "the" has been deleted and "as" has been added in lieu thereof.

iii) 1408.ILLUSTRATION A (b)(6)(A) - An open quotation mark has been added before "In".

jjj) 1408.ILLUSTRATION A (b)(2), Table - The table has been reformatted.

kkk) 1408.ILLUSTRATION A (c) - On the second to the last line, "of" has been added following "meaning".

lll) 1408.ILLUSTRATION A (e) - A new signature block has been added to the end of this subparagraph.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this Rule replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this part? No.

15) Summary and Purpose of rulemaking: This Rule is being promulgated to implement P.A. 87-0108.

16) Information and questions regarding this adopted Rule shall be directed to:

Larry Gorski or
Bruce Sartain
Department of Insurance
320 West Washington
Springfield, Illinois 62767

The full text of the Adopted Rule begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULE

Section 1408.20 Scope

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER S: LEGAL RESERVE LIFE INSURANCE

PART 1408
ACTUARIAL OPINION AND MEMORANDUM

Section 1408.10	Purpose
1408.20	Scope
1408.30	Definitions
1408.40	General Requirements
1408.50	Required Opinions
1408.60	Statement of Actuarial Opinion Not Including an Asset Adequacy Analysis
1408.70	Statement of Actuarial Opinion Based On an Asset Adequacy Analysis
1408.80	Adequacy Analysis
1408.90	Description of Actuarial Memorandum Including an Asset Adequacy Analysis
1408.ILLUSTRATION A	Additional Considerations for Analysis
	Statement of Actuarial Opinion Based on Asset Adequacy Analysis Format

AUTHORITY: Implementing and authorized by Section 223 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, Ch. 73, par. 835 et seq.).

SOURCE: Adopted at 17 Ill. Reg. _____, effective March 23, 1993.

Section 1408.10 Purpose

The purpose of this Part is to prescribe:

- Guidelines and standards for statements of actuarial opinion which are to be submitted in accordance with the Illinois Insurance Code, (Ill. Rev. Stat. 1991, Ch. 73, par. 835(1a)(B)) and for memoranda in support thereof.
- Guidelines and standards for statements of actuarial opinion which are to be submitted when a company is exempt from Section 223(1a)(B) of the Illinois Insurance Code.
- Requirements applicable to the appointment of an appointed actuary.

a) This Part shall apply to all life insurance companies and fraternal benefit societies doing business in this State and to all life insurance companies and fraternal benefit societies which are authorized to reinsure life insurance, annuities or accident and health insurance business in this State. This Part shall be applicable to all annual statements filed with the office of the Director for years ending on or after December 31, 1992. Except with respect to companies which are exempted pursuant to Section 1408.50 of this Part, a statement of opinion on the adequacy of the reserves and related actuarial items based on an asset adequacy analysis in accordance with Section 1408.70 and Illustration A of this Part, and a memorandum in support thereof, in accordance with Section 1408.80 of this Part, shall be required each year. Any company so exempted must file a statement of actuarial opinion pursuant to Section 1408.60 of this Part.

b) Notwithstanding the foregoing, the Director may require any company otherwise exempt pursuant to Section 1408.50 of this Part to submit a statement of actuarial opinion and to prepare a memorandum in support thereof in accordance with Sections 1408.70, Illustration A, and 1408.80 of this Part if, in the opinion of the Director, an asset adequacy analysis is necessary for the company.

Section 1408.30 Definitions

Actuarial Opinion means:

With respect to Sections 1408.70, 1408.80 or 1408.90, the opinion of an Appointed Actuary regarding the adequacy of the reserves and related actuarial items based on an asset adequacy test in accordance with Section 1408.70 of this Part and with presently accepted Actuarial Standards.

With respect to Section 1408.60, the opinion of an Appointed Actuary regarding the calculation of reserves and related items, in accordance with Section 1408.60 of this Part and with those presently accepted Actuarial Standards which specifically relate to this opinion.

Actuarial Standards Board is the board established by the American Academy of Actuaries to develop and promulgate standards of actuarial practice.

Annual Statement means that statement required by Section 136 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 748) to be filed annually by the company with the office of the Director.

Appointed Actuary means any individual who is appointed or retained in accordance with the requirements set forth in Section 1408.40(c) of this Part to provide the actuarial opinion and supporting memorandum as required by Section 223(1a) of the Code.

Asset Adequacy Analysis means an analysis that meets the standards and other requirements referred to in Section 1408.40(d) of this Part. It may take many forms, including, but not limited to, cash flow testing, sensitivity testing or applications of risk theory.

Code means the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 835 et seq.).

Company means a life insurance company, fraternal benefit society or reinsurer subject to the provisions of this Part.

Director means the Insurance Director of this State.

Non-Investment Grade Bonds are those designated as classes 3, 4, 5 or 6 by the National Association of Insurance Commissioners (NAIC) Securities Valuation Office.

Qualified Actuary means any individual who meets the requirements set forth in Section 1408.40(b) of this Part.

Section 1408.40 General Requirements

a) Submission of the Statement of Actuarial Opinion

- 1) There is to be included on or attached to Page 1 of the annual statement the statement of an appointed

actuary, entitled "Statement of Actuarial Opinion", setting forth an opinion relating to reserves and related actuarial items held in support of policies and contracts, in accordance with Section 1408.70 and Illustration A of this Part; provided, however, that any company exempted pursuant to Section 1408.50 of this Part shall include on or attach to Page 1 of the annual statement a statement of actuarial opinion rendered by an appointed actuary in accordance with Section 1408.60 of this Part.

- 2) If in the previous year a company provided a statement of actuarial opinion in accordance with Section 1408.60 of this Part, and in the current year fails the exemption criteria of Sections 1408.50(c)(1), (2), or (3) of this Part, to again provide an actuarial opinion in accordance with Section 1408.60, the statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part shall not be required until August 1 following the date of the annual statement. In this instance, the company shall provide a statement of actuarial opinion in accordance with Section 1408.60 with appropriate qualification noting the intent to subsequently provide a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A.

- 3) In the case of a statement of actuarial opinion required to be submitted by a foreign or alien company, the Director may accept the statement of actuarial opinion filed by such company with the insurance regulatory body of another state if the Director determines that the opinion reasonably meets the requirements applicable to a company domiciled in this State.

- 4) Upon written request by the company, the Director may grant an extension of the date for submission of the statement of actuarial opinion.

b) Qualified Actuary

A "qualified actuary" is an individual who:

- 1) Is a member in good standing of the American Academy of Actuaries;

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Actuarial Opinion required by this Part; either directly or by the authority of the board of directors through an executive officer of the company. The company shall give the Director timely written notice of the name, title (and, in the case of a consulting actuary, the name of the firm) and manner of appointment or retention of each person appointed or retained by the company as an appointed actuary and shall state in such notice that the person meets the requirements set forth in subsection (b) above. Once notice is furnished, no further notice is required with respect to this person, provided that the company shall give the Director timely written notice in the event the actuary ceases to be appointed or retained as an appointed actuary or to meet the requirements set forth in subsection (b) above. If any person appointed or retained as an appointed actuary replaces a previously appointed actuary, the notice shall so state and give the reasons for replacement.

d) Standards for Asset Adequacy Analysis

The asset adequacy analysis required by this Part:

- 1) Shall conform to the Standards of Practice as promulgated from time to time by the Actuarial Standards Board and on any additional standards under this Part, which standards are to form the basis of the statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part; and
 - 2) Shall be based on methods of analysis deemed appropriate for such purposes by the Actuarial Standards Board.
- e) Liabilities to be Covered
- 1) Under authority of Section 223 of the Code the statement of actuarial opinion shall apply to all in force business on the annual statement date regardless of when or where issued, including reserves and equivalent items in the separate account statement or statements.
 - 2) If the appointed actuary determines as the result of asset adequacy analysis that a reserve should be

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- 2) Is qualified to sign statements of actuarial opinion for life and health insurance company annual statements in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements;
- 3) Is familiar with the valuation requirements applicable to life and health insurance companies;
- 4) Has not been found by the Director (or if so found has subsequently been reinstated as a qualified actuary), following appropriate notice and hearing to have:
 - A) violated any provision of, or any obligation imposed by, the Illinois Insurance Code or other law in the course of his or her dealings as a qualified actuary;
 - B) been found guilty of fraudulent or dishonest practices;
 - C) demonstrated his or her incompetency, lack of cooperation, or untrustworthiness to act as a qualified actuary;
 - D) submitted to the Director during the past five (5) years, pursuant to this Part, an actuarial opinion or memorandum that the Director rejected because it did not meet the provisions of this Part including standards set by the Actuarial Standards Board; or
 - E) resigned or been removed as an actuary within the past five (5) years as a result of acts or omissions indicated in any adverse report of examination or as a result of failure to adhere to generally accepted actuarial standards; and
- 5) Has not failed to notify the Director of any action taken by any Director of any other state similar to that under subsection (b)(4) above.

c) Appointed Actuary

An "appointed actuary" is a qualified actuary who is appointed or retained to prepare the Statement of

held in addition to the aggregate reserve held by the company and calculated in accordance with methods set forth in Section 223(3)(b), (f) and (g), (5) and (7) of the Code, the company shall establish such additional reserve.

- 3) For years ending prior to December 31, 1994, the company may, in lieu of establishing the full amount of the additional reserve in the annual statement for that year, set up an additional reserve in an amount not less than the following:

A) December 31, 1992, the additional reserve divided by three.

B) December 31, 1993, two times the additional reserve divided by three.

- C) Additional reserves established under subsection (e)(2) and (3) above, and deemed not necessary in subsequent years, may be released. Any amount released must be disclosed in the actuarial opinion for the applicable year. The release of such reserves shall not be deemed an adoption of a lower standard of valuation.

Section 402.50 Required Opinions

A General

In accordance with Section 223(1c) of the Code, every company doing business in this State shall annually submit the opinion of an appointed actuary as provided in this Part. The type of opinion submitted shall be determined by the provisions set forth in this Section and shall be in accordance with the applicable provisions in this Part.

B Company Categories:

For purposes of this Part, companies shall be classified as follows based on the admitted assets as of the end of the calendar year for which the actuarial opinion is applicable:

- 1) Category A shall consist of those companies whose admitted assets do not exceed \$20 million:

- 2) Category B shall consist of those companies whose admitted assets exceed \$20 million but do not exceed \$100 million;
- 3) Category C shall consist of those companies whose admitted assets exceed \$100 million but do not exceed \$500 million; and
- 4) Category D shall consist of those companies whose admitted assets exceed \$500 million.

C) Exemption Eligibility Tests

- 1) Any Category A company that meets all of the following criteria shall be eligible for exemption from submitting a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part for the year in which these criteria are met. The ratios in subsections (A), (B) and (C) below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.

A) The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to .10.

B) The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than .30.

C) The ratio of the book value of the non-investment grade bonds to the sum of capital and surplus is less than .50.

D) The Examiner Team for the NAIC has neither designated the company as a first priority company in either of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, nor a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the Director of the State of domicile and the Director has so notified the Chief of the NAIC Life and

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Indicates to the company that the exemption is not to be taken

A) Any Category A or Category B company that is not exempted under subsection (c)(3) above shall be required to submit a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this part for the year for which it is not exempt.

B) Any Category C company that, after submitting an opinion in accordance with Section 1408.70 and Illustration A of this part, meets all of the following criteria shall not be required, unless required in accordance with subsection (c)(3), to submit a statement of actuarial opinion below, to submit a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this part more frequently than every third year. Any Category C company which fails to meet all of the following criteria for any year shall submit a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this part for that year. The ratio in subsection (A), (B) or (C) below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.

A) The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to .05;

B) The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than .50;

C) The ratio of the book value of the non-investment grade bonds to the sum of the capital and surplus is less than .50; and

D) The Examiner Team for the NAIC has neither designated the company as a first priority company in either of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, nor a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or the

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Health Actuarial Task Force and the NAIC staff and support office

Any Category B company that meets all of the following criteria shall be eligible for exemption from submitting a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this part for the year in which the criteria are met. The ratios in subsections (A), (B) and (C) below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.

A) The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to .05.

B) The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than .50;

C) The ratio of the book value of the non-investment grade bonds to the sum of capital and surplus is less than .50; and

D) The Examiner Team for the NAIC designated the company as a first or second priority company in either of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, nor a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the Director of the state of domicile and the Director has so notified the Chair of the NAIC Life and Health Actuarial Task Force and the NAIC staff and support office.

E) Any Category A or Category B company that meets all of the criteria set forth in subsections (A), (B), (C) and (D) above, whichever is applicable, is exempt from submitting a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this part unless the Director specifically

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company has resolved the first or second priority status to the satisfaction of the Director of the state of domicile and the Director has so notified the Chair of the NAIC Life and Health Actuarial Task Force and the NAIC staff and support office.

- 6) Any company which is not required by this Section to submit a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part for any calendar year shall submit a statement of actuarial opinion in accordance with Section 1408.60 of this Part for that year unless as provided by Section 1408.20(b) of this Part the Director requires a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part.

- d) Large Companies

Every Category D company shall submit a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part.

Section 1408.60 Statement of Actuarial Opinion Not Including an Asset Adequacy Analysis

- a) General Description

The statement of actuarial opinion required by this Section shall consist of:

- 1) A paragraph identifying the appointed actuary and his or her qualifications;
- 2) A regulatory authority paragraph stating that the company is exempt pursuant to Section 1408.50 of this Part from submitting a statement of actuarial opinion based on an asset adequacy analysis and that the opinion, which is not based on an asset adequacy analysis, is rendered in accordance with this Section;
- 3) A scope paragraph identifying the subjects on which the opinion is to be expressed and describing the scope of the appointed actuary's work; and

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- 4) An opinion paragraph expressing the appointed actuary's opinion as required by Section 223(1a) of the Code.

- b) Recommended Language

The following language is that which in typical circumstances would be included in a statement of actuarial opinion in accordance with this Section. Although language may be modified as needed to meet the circumstances of a particular case, and the appointed actuary should use language which clearly expresses his or her professional judgment, the opinion shall retain all pertinent aspects of the language provided in this Section.

- 1) The opening paragraph should indicate the appointed actuary's relationship to the company.

A) For a company actuary, the opening paragraph of the actuarial opinion should read: "I, [name of actuary], am [title] of [name of company] and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the Board of Directors of said insurer to render this opinion as stated in a letter to the Director dated [insert date]. I meet the Academy qualification standards for rendering this opinion and am familiar with the valuation requirements applicable to life and health companies."

- B) For a consulting actuary, the opening paragraph of the actuarial opinion should read: "I, [name of actuary], a member of the American Academy of Actuaries, am associated with the firm of [insert name of consulting firm]. I have been appointed by, or by the authority of, the Board of Directors of [name of company] to render this opinion as stated in a letter to the Director dated [insert date]. I meet the Academy qualification standards for rendering this opinion and am familiar with the valuation requirements applicable to life and health insurance companies."

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- 2) The regulatory authority paragraph should include a statement such as the following: "Said company is exempt, pursuant to 50 Ill. Adm. Code 1408.40 of the Illinois Department of Insurance rules from submitting a statement of actuarial opinion based on an asset adequacy analysis. This opinion, which is not based on an asset adequacy analysis, is rendered in accordance with Section 1408.60 of the Part."

The scope paragraph should contain a sentence such as the following: "I have examined the actuarial assumptions and actuarial methods used in determining reserves and related actuarial items listed below shown in the annual statement of the company, as prepared for filing with state regulatory officials as of December 31, []." This paragraph should also list items and amounts with respect to which the appointed actuary is expressing an opinion. The list should include but not be necessarily limited to:

- A) Aggregate reserve and deposit funds for policies and contracts included in Exhibit 8 of the annual statement;
 - B) Aggregate reserve and deposit funds for policies and contracts included in Exhibit 9 of the annual statement;
 - C) Deposit funds, premiums, dividend and coupon accumulations and supplementary contracts not involving life contingencies included in Exhibit 10 of the annual statement; and
 - D) Policy and contract claims - liability as of the end of the current year included in Exhibit 11, Part I of the annual statement.
- 4) If the appointed actuary has examined the underlying records, the scope paragraph should also include a statement which reads: "My examination included such review of the actuarial assumptions and actuarial methods and of the underlying basic records and such tests of the actuarial calculations as I considered necessary."

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- 5) If the appointed actuary has not examined the underlying records, but has relied upon listings and summaries of policies in force prepared by the company or a third party, the scope paragraph should include a sentence such as one of the following.
- A) "I have relied upon listings and summaries of policies and contracts and other liabilities in force prepared by [name and title of company officer certifying in force records] as certified in the attached statement. (See accompanying affidavit by a company officer.) In other respects my examination included review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary."; or
 - B) "I have relied upon [name of accounting firm] for the substantial accuracy of the in force records inventory and information concerning other liabilities, as certified in the attached statement. In other respects my examination included review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary."
- 6) The opinion paragraph should include a statement which reads: "In my opinion the amounts carried in the balance sheet on account of the actuarial items identified above.
- A) Are computed in accordance with those presently accepted actuarial standards which specifically relate to the opinion required under this Section;
 - B) Are based on actuarial assumptions which produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;
 - C) Meet the requirements of the Insurance Law and regulations of the State of [state of domicile] and are at least as great as the minimum

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aggregate amounts required by the state in which this statement is filed;

- D) Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year-end with any exceptions as noted below;
- E) Include provision for all actuarial reserves and related statement items which ought to be established; and
- F) The actuarial methods, considerations and analyses used in forming my opinion conform to the appropriate Compliance Guidelines as promulgated by the Actuarial Standards Board, which guidelines form the basis of this statement of opinion."

7) The concluding paragraph should document the eligibility for the company to submit an opinion as provided by this Section. It shall include the following:

- A) "This opinion is provided in accordance with 50 Ill. Adm. Code 1408.60. As such it does not include an opinion regarding the adequacy of reserves and related actuarial items when considered in light of the assets which support them.

B) Eligibility is confirmed as follows:

- i) The ratio of the sum of capital and surplus to the sum of cash and invested assets is [insert amount], which equals or exceeds the applicable criterion based on the admitted assets of the company (50 Ill. Adm. Code).
- ii) The ratio of the sum of the reserves and liabilities for annuities and deposits to the excess of the total admitted assets is [insert amount], which is less than the applicable criteria based on the admitted assets of the company (Section 1408.50).

8)

If there has been any change in the actuarial assumptions from those previously employed, that change should be described in the annual statement or in a paragraph of the statement of actuarial opinion, and the reference to consistency in subsection (b)(6)(D) above to consistency should read: ". . . with the exception of the change described in Page [] of the annual statement (or in the preceding paragraph)." The adoption for new issues or new claims or other new liabilities of an actuarial assumption which differs from a corresponding assumption used for prior new issues or new claims or other new liabilities is not a change in

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iii) The ratio of the book value of the non-investment grade bonds to the sum of capital and surplus is [insert amount], which is less than the applicable criteria of .50.

iv) To my knowledge, the NAIC Examiner Team has neither designated the company as a first priority company in either of the two (2) calendar years preceding the calendar year for which this actuarial opinion is applicable, nor a second priority company in each of the two (2) calendar years preceding the calendar year for which this actuarial opinion is applicable or the company has resolved the first or second priority status to the satisfaction of the Director of the state of domicile.

v) To my knowledge there is not a specific request from any Director requiring an asset adequacy analysis opinion.

Signature of Appointed Actuary

Address of Appointed Actuary

Telephone Number of Appointed Actuary"

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actuarial assumptions within the meaning of this subsection.

9) If the appointed actuary is unable to form an opinion, he or she shall refuse to issue a statement of actuarial opinion. If the appointed actuary's opinion is adverse or qualified, he or she shall issue an adverse or qualified actuarial opinion explicitly stating the reason(s) for such opinion. This statement should follow the scope paragraph and precede the opinion paragraph.

10) If the appointed actuary does not express an opinion as to the accuracy and completeness of the listings and summaries of policies in force, there shall be attached to the opinion the statement of a company officer or accounting firm who prepared such underlying data similar to the following:

"I [name of officer], [title] of [name and address of company or accounting firm], hereby affirm that the listings and summaries of policies and contracts in force as of December 31, [], prepared for and submitted to [name of appointed actuary], were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.

Signature of the Officer of the Company or Accounting Firm

Address of the Officer of the Company or Accounting Firm

Telephone Number of the Officer of the Company or Accounting Firm

Section 1408.70 Statement of Actuarial Opinion Based On an Asset Adequacy Analysis

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A Statement of Actuarial Opinion based on an asset adequacy analysis shall be consistent with Illustration A of this Part.

Section 1408.80 Description of Actuarial Memorandum Including an Asset Adequacy Analysis

a) General

1) In accordance with Section 223(la) of the Code, the appointed actuary shall prepare a memorandum to the company describing the analysis done in support of his or her opinion regarding the reserves under the opinion. The memorandum shall be made available for examination by the Director upon his or her request, but shall be returned to the company after such examination and shall not be considered a record of the Insurance Department or subject to automatic filing with the Director.

2) In preparing the memorandum, the appointed actuary may rely on, and include as a part of his or her own memorandum, memoranda prepared and signed by other actuaries who are qualified within the meaning of Section 1408.40(b) of this Part, with respect to the areas covered in such memoranda, and so state in their memoranda.

3) If the Director requests a memorandum and no such memorandum exists, or if the Director finds that the analysis described in the memorandum fails to meet the standards of the Actuarial Standards Board or the standards and requirements of this Part, the Director may designate a qualified actuary to review the opinion and prepare such supporting memorandum as is required for review. The expense of the independent review shall be paid by the company but shall be directed and controlled by the Director.

4) The reviewing actuary shall have the same status as an examiner for purposes of obtaining data from the company, and the work papers and documentation of the reviewing actuary shall be retained by the Director; provided, however, that any information provided by the company to the reviewing actuary and included in the work papers shall be considered as material provided by the company to the Director as material provided by the company to the Director

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and shall be kept confidential to the same extent as is prescribed by law with respect to other material provided by the company to the Director pursuant to Section 223(1a)(A)(11) of the Code. The reviewing actuary shall not be an employee of a consulting firm involved with the preparation of any prior memorandum or opinion for the insurer pursuant to this Part for the current year or any one of the preceding three (3) years.

- b) Details of the Memorandum Section Documenting Asset Adequacy Analysis (Section 1408.70 of this Part)

When an actuarial opinion under Section 1408.70 and Illustration A of this Part is provided, the memorandum shall demonstrate that the analysis has been done in accordance with the standards for asset adequacy referred to in Section 1408.40(d) of this Part and any additional standards under this Part. It shall specify:

- 1) For reserves:

- A) Product descriptions including market description, underwriting and other aspects of a risk profile and the specific risks the appointed actuary deems significant;
- B) Source of liability in force;
- C) Reserve method and basis;
- D) Investment reserves; and
- E) Reinsurance arrangements.

- 2) For assets:

- A) Portfolio descriptions, including a risk profile disclosing the quality, distribution and types of assets;
- B) Investment and disinvestment assumptions;
- C) Source of asset data;
- D) Asset valuation bases; and

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- E) Disclosure of the methodology for allocating assets, the specific blocks of business and the AVR.

- 3) Analysis basis:

- A) Methodology;
- B) Rationale for inclusion/exclusion of different blocks of business and how pertinent risks were analyzed;
- C) Rationale for degree of rigor in analyzing different blocks of business;
- D) Criteria for determining asset adequacy; and
- E) Effect of federal income taxes, reinsurance and other relevant factors.

- 4) Summary of Results

- 5) Conclusion(s)

- c) Conformity to Standards of Practice

The memorandum shall include a statement which reads: "Actuarial methods, considerations and analyses used in the preparation of this memorandum conform to the appropriate Standards of Practice as promulgated by the Actuarial Standards Board, which standards form the basis for this memorandum."

Section 1408.90 Additional Considerations for Analysis

- a) Aggregation

For the asset adequacy analysis for the statement of actuarial opinion provided in accordance with Section 1408.70 and Illustration A of this Part, reserves and assets may be aggregated by either of the following methods:

- 1) Aggregate the reserves and related actuarial items, and the supporting assets, for different products or lines of business, before analyzing the adequacy

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of the combined assets to mature the combined liabilities. The appointed actuary must be satisfied that the assets held in support of the reserves and related actuarial items so aggregated are managed in such a manner that the cash flows from the aggregated assets are available to help mature the liabilities from the blocks of business that have been aggregated.

- 2) Aggregate the results of asset adequacy analysis of one or more products or lines of business, the reserves for which prove through analysis to be redundant, with the results of one or more products or lines of business, the reserves for which prove through analysis to be deficient. The appointed actuary must be satisfied that the asset adequacy results for the various products or lines of business for which the results are so aggregated:

- A) Are developed using consistent economic scenarios, or
- B) Are subject to mutually independent risks, i.e., the likelihood of events impacting the adequacy of the assets supporting the redundant reserves is completely unrelated to the likelihood of events impacting the adequacy of the assets supporting the deficient reserves.

In the event of any aggregation, the actuary must disclose in his or her opinion that such reserves were aggregated on the basis of methods in subsection (1), (2)(A) or (2)(B) above, whichever is applicable, and describe the aggregation in the supporting memorandum.

b) Selection of Assets for Analysis

The appointed actuary shall analyze only those assets held in support of the reserves which are the subject for specific analysis, hereafter called "specified reserves." A particular asset or portion thereof supporting a group of specified reserves cannot support any other group of specified reserves. An asset may be allocated over several groups of specified reserves. The annual statement value of the assets held in support of the reserves shall not exceed the annual statement value of the specified reserves, except as

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provided in subsection (c) below. If the method of asset allocation is not consistent from year to year, the extent of its inconsistency shall be described in the supporting memorandum.

- c) Use of Assets Supporting the Interest Maintenance Reserve and the Asset Valuation Reserve
An appropriate allocation of assets in the amount of the Interest Maintenance Reserve (IMR), whether positive or negative, must be used in any asset adequacy analysis. Analysis of risks regarding asset default may include an appropriate allocation of assets supporting the Asset Valuation Reserves (AVR); these AVR assets may not be applied for any other risks with respect to reserve adequacy. Analysis of these and other risks may include assets supporting other mandatory or voluntary reserves available to the extent not used for risk analysis and reserve support.
The amount of the assets used for the AVR must be disclosed in the Table of Reserves and Liabilities of the opinion and in the memorandum, as well as the method used for selecting particular assets or allocated portions of assets, must be disclosed in the memorandum.

d) Required Interest Scenarios

- 1) For the purpose of performing the asset adequacy analysis required by this Part, the qualified actuary is expected to follow standards adopted by the Actuarial Standards Board; nevertheless, the appointed actuary must consider in the analysis the effect of at least the following interest rate scenarios:

- A) Level with no deviation;
- B) Uniformly increasing over ten (10) years at a half percent per year and then level;
- C) Uniformly increasing at one percent per year over five (5) years and then uniformly decreasing at one percent per year to the original level at the end of ten (10) years and then level;

- D) An immediate increase of three percent (3%) and then level;
 - E) Uniformly decreasing over ten (10) years at a half percent per year and then level;
 - F) Uniformly decreasing at one percent per year over five (5) years and then uniformly increasing at one percent per year to the original level at the end of ten (10) years and then level; and
 - G) An immediate decrease of three percent (3%) and then level.
- 2) For these and other scenarios which may be used, projected interest rates for a five (5) year Treasury Note need not be reduced beyond the point where such five (5) year Treasury Note yield would be at fifty percent (50%) of its initial level.
 - 3) The beginning interest rates may be based on interest rates for new investments as of the valuation date similar to recent investments allocated to support the product being tested or may be based on an outside index, such as Treasury yields, of assets of the appropriate length on a date close to the valuation date. The method used to determine the beginning yield curve and associated interest rates shall be specifically defined. The beginning yield curve and associated interest rates shall be consistent for all interest rate scenarios.

e) Documentation

The appointed actuary shall retain on file, for at least seven (7) years, documentation sufficient to determine the procedures followed, the analyses performed, the bases for assumptions and the results obtained.

1408. ILLUSTRATION A Statement of Actuarial Opinion Based on Asset Adequacy Analysis Format

a) General Description

The statement of actuarial opinion submitted in accordance with Section 1408.70 of this Part shall consist of:

- 1) A paragraph identifying the appointed actuary and his or her qualifications (subsection (b)(1) below);
- 2) A scope paragraph identifying the subjects on which an opinion is to be expressed and describing the scope of the appointed actuary's work, including a tabulation delineating the reserves and related actuarial items which have been analyzed for asset adequacy and the method of analysis (see subsection (b)(2) below), and identifying the reserves and related actuarial items covered by the opinion which have not been so analyzed;
- 3) A reliance paragraph describing those areas, if any, where the appointed actuary has deferred to other experts in developing data, procedures or assumptions (e.g., anticipated cash flows from currently owned assets), including variation in cash flows according to economic scenarios (see subsection (b)(3) below), supported by a statement of each such expert in the form prescribed by subsection (e) below; and
- 4) An opinion paragraph expressing the appointed actuary's opinion with respect to the adequacy of the supporting assets to mature the liabilities (see subsection (b)(6) below).
- 5) One or more additional paragraphs will be needed in individual company cases as follows:
 - A) If the appointed actuary considers it necessary to state a qualification of his or her opinion;
 - B) If the appointed actuary must disclose the method of aggregation for reserves of different

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products or lines of business for asset adequacy analysis;

- C) If the appointed actuary must disclose reliance upon any portion of the assets supporting the Asset Valuation Reserve (AVR) or other mandatory or voluntary statement reserves for asset adequacy analysis;
- D) If the appointed actuary must disclose an inconsistency in the method of analysis or basis of asset allocation used at the prior opinion date with that used for this opinion;
- E) If the appointed actuary must disclose whether additional reserves of the prior opinion date are released as of this opinion date, and the extent of the release; or
- F) If the appointed actuary chooses to add a paragraph briefly describing the assumptions which form the basis for the actuarial opinion.

b) Recommended Language

The following paragraphs are to be included in the statement of actuarial opinion in accordance with Section 1408.70 of this Part. The language is that which, in typical circumstances, should be included in a statement of actuarial opinion. The language may be modified as needed to meet the circumstances of a particular case, but the appointed actuary should use language which clearly expresses his or her professional judgment. However, in any event the opinion shall retain all pertinent aspects of the language provided in this subsection.

- 1) The opening paragraph should generally indicate the appointed actuary's relationship to the company and his or her qualifications to sign the opinion.
- A) For a company actuary, the opening paragraph of the actuarial opinion should read: "I, [name], am [title] of [insurance company name] and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the Board of Directors of said insurer to render

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this opinion as stated in a letter to the Director dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and health insurance companies."

- B) For a consulting actuary, the opening paragraph should read: "I, [name], a member of the American Academy of Actuaries, am associated with the firm of [name of consulting firm]. I have been appointed by, or by the authority of, the Board of Directors of [name of company] to render this opinion as stated in a letter to the Director dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and health insurance companies."

- 2) The scope paragraph should include a statement which reads: "I have examined the actuarial assumptions and actuarial methods used in determining reserves and related actuarial items listed below, as shown in the annual statement of the company, as prepared for filing with state regulatory officials, as of December 31, 19[]. Tabulated below are those reserves and related actuarial items which have been subjected to asset adequacy analysis."

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Part 1408. APPENDIX A

Part 1408. APPENDIX A

Asset Adequacy Tested Amounts				Reserves and Liabilities	
Statement Item	Formula Reserves (1)	Additional Actuarial Reserves (2)	Analysis Method (b)	Other Amount (3)	Total Amount (1) + (2) + (3) (4)
Exhibit 8					
A Life Insurance					
B Annuities					
C Supplementary Contracts Involving Life Contingencies					
D Accidental Death Benefit					
E Disability—Active					
F Disability—Disabled					
G Miscellaneous					
Total (Exhibit 8, Item 1, Page 3)					
Exhibit 9					
A Active Life Reserve					
B Claim Reserve					
Total (Exhibit 9, Item 2, Page 3)					
Exhibit 10					
1 Premiums and Other Deposit Funds					
1.1 Policyholder Premiums (Page 3, Line 10.1)					
1.2 Guaranteed Interest Contracts (Page 3, Line 10.2)					
1.3 Other Contract Deposit Funds (Page 3, Line 10.3)					
2 Supplementary Contracts Not Involving Life Contingencies (Page 3, Line 3)					
3 Dividend and Coupon Accumulations (Page 3, Line 5)					
Total Exhibit 10					

Statement Item	Asset Adequacy Tested Amounts	Reserves and Liabilities		
	Formula Reserves (1)	Additional Actuarial Reserves (a) (2)	Analysis Method (b) Other Amount (3)	Total Amount (1) + (2) + (3) (4)
Exhibit 11 Part 1				
1 Life (Page 3, Line 4.1)				
2 Health (Page 3, Line 4.2)				
Total Exhibit 11, Part 1				
Separate Accounts (Page 3, Line 27)				
TOTAL RESERVES				
IMR (Page _____ Line _____)				
AVR (Page _____ Line _____) (c)				
(a) Note The additional actuarial reserves are the reserves established under Section 1408.40(e)(2) and (3) Paragraphs (2) or (3) of Section 6E.				
(b) Note The appointed actuary should indicate the method of analysis, determined in accordance with the standards for asset adequacy analysis referred to in Section 6D of this regulation. Section 1408.40(d) of this Part by means of symbols which should be defined in footnotes to the table				
(c) Note Allocated amount				

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); If the appointed actuary has relied on other experts to develop certain portions of the analysis, the reliance paragraph should include a statement such as the following:

A) "I have relied on [name], [title] for [e.g.,] anticipated cash flows from currently owned assets, including variations in cash flows according to economic scenarios] and, as certified in the attached statement, . . . "or

B) "I have relied on personnel as cited in the supporting memorandum for certain critical aspects of the analysis in reference to the accompanying statement."

4) If the appointed actuary has examined the underlying asset and liability records, the reliance paragraph should also include: "My examination included such review of the actuarial assumptions and actuarial methods and of the underlying basic asset and liability records and such tests of the actuarial calculations as I considered necessary."

5) If the appointed actuary has not examined the underlying records, but has relied upon listings and summaries of policies in force and/or asset records prepared by the company or a third party, the reliance paragraph should include a sentence such as:

A) "I have relied upon listings and summaries [of policies and contracts, of asset records] prepared by [name and title of company officer certifying in force records] as certified in the attached statement. In other respects my examination included such review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary." or

B) "I have relied upon [name of accounting firm] for the substantial accuracy of the in force records inventory and information concerning other liabilities, as certified in the attached statement. In other respects my examination

included review of the actuarial assumptions and actuarial methods and tests of the actuarial calculations as I considered necessary."

6) The opinion paragraph should include a statement which reads:

A) "In my opinion the reserves and related actuarial values concerning the statement items identified above:

i) Are computed in accordance with presently accepted actuarial standards consistently applied and are fairly stated, in accordance with sound actuarial principles;

ii) Are based on actuarial assumptions which produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;

iii) Meet the requirements of the Insurance Law and regulation of the state of [state of domicile] and are at least as great as the minimum aggregate amounts required by the state in which this statement is filed;

iv) Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year-end (with any exceptions noted below);

v) Include provision for all actuarial reserves and related statement items which ought to be established.

B) The reserves and related items, when considered in light of the assets held by the company with respect to such reserves and related actuarial items including, but not limited to, the investment earnings on such assets, and the considerations anticipated to be received and retained under such policies and contracts, make adequate provision, according to presently accepted actuarial standards of practice, for

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the anticipated cash flows required by the contractual obligations and related expenses of the company.

C)

The actuarial methods, considerations and analyses used in forming my opinion conform to the appropriate Standards of Practice as promulgated by the Actuarial Standards Board, which standards form the basis of this statement of opinion.

i) This opinion is updated annually as required by statute. To the best of my knowledge, there have been no material changes from the applicable date of the annual statement to the date of the rendering of this opinion which should be considered in reviewing this opinion; or

ii)

The following material change(s) which occurred between the date of the statement for which this opinion is applicable and the date of this opinion should be considered in reviewing this opinion: (Describe the change or changes.)

D)

The impact of unanticipated events subsequent to the date of this opinion is beyond the scope of this opinion. The analysis of asset adequacy portion of this opinion should be viewed recognizing that the company's future experience may not follow all the assumptions used in the analysis.

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Signature of Appointed Actuary

Address of Appointed Actuary

Telephone Number of Appointed Actuary"

c) Assumptions for New Issues

The adoption for new issues or new claims or other new liabilities of an actuarial assumption which differs from a corresponding assumption used for prior new issues or new claims or other new liabilities is not a change in actuarial assumptions within the meaning of subsection (b)(6) above.

d) Adverse Opinions

If the appointed actuary is unable to form an opinion, then he or she shall refuse to issue a statement of actuarial opinion. If the appointed actuary's opinion is adverse or qualified, then he or she shall issue an adverse or qualified actuarial opinion explicitly stating the reason(s) for such opinion. This statement should follow the scope paragraph and precede the opinion paragraph.

e) Reliance on Data Furnished by Other Persons

If the appointed actuary does not express an opinion as to the accuracy and completeness of the listings and summaries of policies in force and/or asset oriented information, there shall be attached to the opinion the statement of a company officer or accounting firm who prepared such underlying data similar to the following:

"I [name of officer], [title], of [name of company or accounting firm], hereby affirm that the listings and summaries of policies and contracts in force as of December 31, 19[], and other

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1) Heading of the Part: Certification under Medicaid Rehabilitation Option for Early Intervention Programs.

2) Code Citation: 59 Ill. Adm. Code 122

3) Section Numbers: Adopted Action:

122.10	New Section
122.15	New Section
122.20	New Section
122.25	New Section
122.30	New Section
122.31	New Section
122.35	New Section
122.40	New Section
122.45	New Section
122.50	New Section
122.55	New Section
122.60	New Section
122.65	New Section
122.70	New Section
122.75	New Section
122.80	New Section
122.85	New Section
122-Appendix A	New Section

4) Statutory Authority: Implementing and authorized by Section 9 of the Early Intervention Services System Act (Ill. Rev. Stat. 1991, ch. 23, par. 4159) [325 ILCS 20/9].

5) Effective Date of Rules: March 23, 1993

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these rules contain incorporations by reference? Yes, this rulemaking incorporates by reference the standards of nationally recognized organizations as well as federal regulations (CFR).

8) Date Filed in Agency's Principal Office: March 22, 1993

9) Notice(s) of Proposal Published in Illinois Register: October 16, 1992 (16 Ill. Reg. 15691.

10) Has JCAR issued a Statement of Objections to these rules? No.

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liabilities prepared for and submitted to [name of appointed actuary] were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.

Signature of the Officer of the Company or Accounting Firm

Address of the Officer of the Company or Accounting Firm

Telephone Number of the Officer of the Company or Accounting Firm"

and/or

"I, [name of officer], [title] of [name of company, accounting firm, or security analyst], hereby affirm that the listings, summaries and analyses relating to data prepared for and submitted to [name of appointed actuary] in support of the asset-oriented aspects of the opinion were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.

Signature of the Officer of the Company, Accounting Firm or the Security Analyst

Address of the Officer of the Company, Accounting Firm or the Security Analyst

Telephone Number of the Officer of the Company, Accounting Firm or the Security Analyst"

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- 11) Difference(s) between proposal and final version:

The Department made the following changes in response to public comment:

Section 122.20 - Definitions for "(d)developmental delay", "(d)developmental disabilities" and "Medicaid provider enrollment" were added.

Section 122.31 - Added. This new Section was also added to the Part's table of contents and to the list of Sections in item (3) of the pages of questions.

The Department made the following changes in response to recommendations received from JCAR:

Section 122.20 - The statutory language in the definitions of "(d)developmental delay" and "(d)developmental disability" was placed in bold face type.

Section 122.40(1) - The parenthesis after the word "Accreditation" before the word "Council" in the fifth line was deleted.

Section 122.50(b) - A comma was added after "e.g." in the parenthetical statement.

Section 122.55(a) - The word "under" after the phrase "participation in" was deleted.

Section 122.65 (b)(1) - The phrase following the word "requirements" in the last sentence was rewritten.

Section 122.70(b) and **Section 122.Appendix A, item (5)** - The "s" on the word "State" was capitalized.

Section 122.70(d) - The "s" on the word "subsection" was put in lower case.

In addition, the Department made the following technical changes:

Section 122.40(b) - The address was changed to reflect the Bureau's new location.

References to the Illinois Compiled Statutes (placed in brackets per the request of JCAR) were added throughout this rulemaking.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, all changes have been made based on discussions with JCAR. No agreement letter was issued.

- 13) Will these rules replace an emergency rule? No.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of Rules: Part 122 is the Department's rule for providers of early intervention services for who choose to be certified under the Medicaid rehabilitation option for early intervention programs. Development of this Part and its companion (59 Ill. Adm. Code 121, which is also being adopted in this issue of the Illinois Register) began in December, 1991 and has included considerable discussion with a subcommittee composed of community provider agencies, parents and other state agencies.

Key provisions of this Part are: (1) The process for certification, recertification, and periodic review of early intervention providers choosing to be certified; (2) clinical direction for early intervention services by a physician or licensed practitioner of the healing arts (LPHA); and (3) requirements for rate setting.

This Part will enable the Department to claim early intervention services under the Medicaid rehabilitation option and return the federal financial participation monies generated to early intervention programs, up to the appropriation.

- 16) Information and questions regarding these adopted rules shall be directed to:

Name: Judith Hollenberg
Rules Administrator
Address: 403 Stratton Building
Springfield, IL 62765
Telephone: (217)785-3313

The full text of the Adopted Rule begins on the next page:

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SOURCE: Adopted at 17 Ill. Reg. 4236, effective March 23, 1993.

SUBPART A: GENERAL REQUIREMENTS

Section 122.10 Purpose

- a) The Department shall use these requirements to certify, recertify, and periodically review early intervention providers who choose to participate in the Medicaid rehabilitation option program for early intervention providers. This includes the certification and recertification of the provider's eligibility for approval and enrollment in the Illinois medical assistance program by the Department of Public Aid (89 Ill. Adm. Code 140) (Medical Payment).
- b) In addition to being funded by the Department, early intervention services may be supported financially by Medicaid (42 U.S.C.A. 1396 et seq., 1991) for grants to states for medical assistance eligible individuals, under the Illinois medical assistance program (89 Ill. Adm. Code 140) (Medical Payment) administered by the Department of Public Aid.
- c) These requirements are for the purpose of assuring that children and their families shall receive quality early intervention services pursuant to 42 CFR 440 and 42 CFR 456, 1989 for Medicaid-eligible individuals.

Section 122.15 Incorporation by reference

Any rules or standards of an agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

Section 122.20 Definitions

Terms that apply to this Part are either defined in 59 Ill. Adm. Code 121.30 or are defined below.

"Certification." Initial determination and redetermination of the eligibility of a provider to participate in the Medicaid rehabilitation option as an early intervention program and to provide early intervention services. The Department issues certification upon a determination of compliance with this Part and 59 Ill. Adm. Code 121. Certification must be issued by the Department before the provider can be enrolled with the Department of Public Aid as a Medicaid provider in order to provide

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TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 122
CERTIFICATION UNDER MEDICAID REHABILITATION OPTION
FOR EARLY INTERVENTION PROGRAMS

SUBPART A: GENERAL PROVISIONS

- Section 122.10 Purpose
- 122.15 Incorporation by reference
- 122.20 Definitions
- 122.25 General requirements
- 122.30 Administrative requirements
- 122.35 Eligibility, notice requirements and timeframes for compliance
- 122.40 Recordkeeping

SUBPART B: CERTIFICATION REQUIREMENTS

- 122.40 Provider application and initial certification process
- 122.45 Provider recertification and reviews
- 122.50 Certification for additional services and/or new site(s)
- 122.55 Suspension of certification
- 122.60 Termination of certification
- 122.65 Certification appeal criteria and process
- 122.70 Rate setting

SUBPART C: OPERATIONAL PROCEDURES

- 122.75 Assessment
- 122.80 Individualized family service plan (IFSP) development and modification
- 122.85 Transdisciplinary or interdisciplinary team

122.APPENDIX A Early Intervention Services Provider Certification Application Components

NOTE: Boldface type denotes statutory language.

AUTHORITY: Implementing and authorized by Section 9 of the Early Intervention Services System Act (Ill. Rev. Stat. 1991, ch. 23, par. 4159) [325 ILCS 20/9].

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Medicaid-reimbursable early intervention services. Enrollment as a Medicaid provider is issued by the Department of Public Aid on receipt of a letter of certification by the Department, a completed Medicaid provider enrollment form and on determination of compliance with 89 Ill. Adm. Code 140.11 by the Department of Public Aid.

"Developmental delay." One in which a child is experiencing a delay in one or more of the following areas of childhood development as measured by appropriate diagnostic instruments and standard procedures: cognitive; physical, including vision and hearing; language, speech and communication; psycho-social; or self-help skills (Ill. Rev. Stat. 1991, ch. 23 par. 4153) [325 ILCS 20/3].

"Developmental disability. Disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by mentally retarded individuals. Such disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap (Ill. Rev. Stat. 1991, ch. 91½, par. 1-106) [405 ILCS 5/1-106].

"Enrollment." The official enrollment of a certified provider in the medical assistance program by the Department of Public Aid on determination of compliance with 89 Ill. Adm. Code 140.11.

"Licensed practitioner of the healing arts (LPHA)." A clinical psychologist licensed pursuant to the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 5351 et seq.) [225 ILCS 15/1], a licensed clinical social worker (LCSW) licensed pursuant to the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 6351 et seq.) [225 ILCS 20/1] or a registered nurse with a bachelor's degree in nursing who is licensed pursuant to the Illinois Nursing Act of 1987, (Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.) [225 ILCS 65/1].

"Medicaid." Medical assistance issued by the Illinois Department of Public Aid under the provisions of Title XIX of the Social Security Act (42 U.S.C.A. 1396 et seq., 1991), for eligible recipients including Aid to the Aged, Blind and Disabled (AABD), Aid to Families with Dependent Children (AFDC), Medical Assistance No Grant (MANG), Refugee Repatriate Program (RRP) recipients and Title XIX eligible DCFS wards.

"Medicaid provider enrollment." Refers to the process where a provider completes the Medicaid provider enrollment form, submit

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the form to the Department of Public Aid and are provided a Medicaid provider number.

"Medicaid rehabilitative services option." Refers to rehabilitative services, as authorized in 42 CFR 440.130, 1989, and defined in 59 Ill. Adm. Code 121. Subpart C. At the option of the Department of Public Aid, these services may be included in the Medicaid state plan as covered services for Medicaid-eligible individuals.

Section 122.25 General requirements

a) A physician or LPHA shall be responsible for recommending medically necessary rehabilitative services.

b) Providers shall comply with all requirements of 59 Ill. Adm. Code 121.

Section 122.30 Administrative requirements

a) The parent or parent substitute shall give informed consent for the release of information to the Department of Public Aid and the U.S. Health Care Financing Administration for claiming Medicaid reimbursement. The provider shall document this consent in the child and family's record and forward the release of information forms to the Department.

b) The provider shall submit within 180 days after the end of the state fiscal year the State of Illinois Interagency Statistical and Financial Report (ISFR) to the Department unless the Department extends the timeframe for a provider having a different fiscal year than the State of Illinois.

c) The provider shall comply with the requirements governing audits, false reporting and other fraudulent activities, pursuant to 89 Ill. Adm. Code 140.30 and 140.35 for services provided to Medicaid-eligible individuals. The provider shall be held responsible for any claims disallowed resulting from non-compliance with this Part and with 59 Ill. Adm. Code 121.

d) The provider shall bill all other third parties prior to reporting to the Department services provided to Medicaid-eligible children and their families. The provider shall maintain a record of all such billings and payments received.

Section 122.31 Eligibility, notice requirements and timeframes for compliance

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- 3) A child in an early intervention program on the effective date of this Part who is age 36 months or older may continue to receive early intervention services until the child is transitioned to education or other community services in accordance with Section 121.115.

Section 122.35 Recordkeeping

All clinical and financial records required to be maintained shall be readily available for inspection, audit and copying (including photocopying) by Department personnel. Department personnel shall make all attempts to examine such records without interfering with the professional activities of the provider. Such records also shall be available to Department of Public Aid and U.S. Health Care Financing Administration compliance personnel during normal business hours at the provider's facility.

SUBPART B: CERTIFICATION REQUIREMENTS

Section 122.40 Provider application and initial certification process

- a) Successful applicants for certification under the Medicaid Rehabilitation Option shall be certified by the Department and enrolled as a provider in the Illinois medical assistance program by the Department of Public Aid pursuant to 89 Ill. Adm. Code 140.11.

- b) Applications may be obtained by submitting a request in writing to:

Department of Mental Health and Developmental Disabilities
Bureau of Certification and Licensure
160 North LaSalle St., 10th Floor
Chicago, Illinois 60601

- c) The applicant shall submit to the Department at the address in subsection (b) above a completed "Application for Certification of Early Intervention Program" with all necessary components.

- d) At the discretion of the Department, agencies submitting applications which have all components attached may be certified according to the procedures outlined in either subsection (e) or (f) below.

- e) For applications which have attached to them, at a minimum, a staffing roster, evidence of compliance with state and local ordinances and codes relating to fire safety for all site(s) where Medicaid-reimbursable services are being provided, documentation of compliance from a licensed plumber and electrician that any

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- a) Families of children aged birth to 36 months old with a developmental disability or a developmental delay may apply for early intervention services at a local early intervention provider funded through the Department.

- b) Providers must use one of the following eligibility criteria to categorize the child's developmental condition:

- 1) Developmental disability as defined in Section 122.20, or
2) Developmental delay as defined in Section 122.20.

- c) If the child is determined eligible for services, the provider shall provide written notification to the parent or parent substitute and shall contact the parent or parent substitute to determine a time to develop the IFSP. If the parent or parent substitute is unable to read, the information shall be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances. The child's service eligibility will be based on the child meeting either subsection (b)(1), (2) or (3) above and adequate capacity to provide services.

- d) If the child is determined ineligible for services a letter shall be sent to the parent or parent substitute stating the reason(s) the child is ineligible for services. The letter shall also include the name of the person to contact or the process to begin the appeal process. The appeal of service denial may be made as described in Subpart D of this Part. If the parent or parent substitute is unable to read, the information shall be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances.

- e) The following are the timeframes for complying with eligibility and age requirements for children served under this Part:

- 1) Any child admitted to an early intervention program on or after the effective date of this Part must meet the eligibility criteria set forth in subsections (a) and (b) above.
2) A child in an early intervention program on the effective date of this Part who does not meet the eligibility criteria set forth in subsection (b) above may continue to receive early intervention services until the child is 36 months old.

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structure to be used as a site complies with the codes and standards pertaining to the licensing and regulation of plumbers and the National Electrical Code (see 59 Ill. Adm. Code 121.40) and a copy of the applicant's financial audit for the last fiscal year if it is not on file with the Department, the Department shall conduct an on-site review within 40 days after the receipt of the application.

1) The on-site review for full compliance with this Part and 59 Ill. Adm. Code 121 shall examine all administrative and service standards that pertain to the specific types of early intervention services for which the applicant is requesting certification. The applicant's site(s) on which the early intervention services are offered shall be reviewed for compliance with applicable federal, state, and local laws and ordinances pertaining to safety and accessibility. A review of a sample of client records shall be conducted. Such sample shall consist of a minimum of 10 records from the applicant's Medicaid-eligible clients. In the event that 10 records of Medicaid-eligible clients are not available, the sample will consist of all available Medicaid-eligible client records. If the provider is a newly formed agency that has not provided services in the past, the review shall be of the provider's plans for record content and maintenance. Compliance shall be based on the provider's capability to perform in accordance with this Part and 59 Ill. Adm. Code 121.

2) If the on-site review confirms compliance with the requirements of this Part and 59 Ill. Adm. Code 121, the Department shall issue a letter of certification within 20 days after the date of completion of the on-site review. The Department shall then send the Medicaid enrollment forms to the applicant. Certification shall be effective the date of the first day of the on-site review.

3) If the on-site review does not confirm compliance with the requirements of this Part and 59 Ill. Adm. Code 121, the Department shall report deficiencies to the applicant in an exit conference. The Department shall also issue to the applicant, within 40 days, a notice of deficiencies enumerating those standards of this Part and 59 Ill. Adm. Code 121 with which the applicant is not in compliance. The Department may certify a provider for participation in the program at the conclusion of the exit conference, if the applicant agrees in writing to correct all other identified deficiencies, and complies with Section 122.25 and with 59 Ill. Adm. Code 121.35 and 121.40.

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A) The certified provider shall submit a plan of correction for the deficiencies within 25 days after the postmark date on the written notice of deficiencies. The plan of correction shall identify the actions that have been, or will be, taken in order to comply with this Part and 59 Ill. Adm. Code 121 and the timeframes for carrying out this action. Timeframes for carrying out the action shall not exceed three months except when deficiencies relate to major structural deficiencies related to physical accessibility of the site(s) for persons with disabilities. In such instances, implementation must occur before the end of the next complete state fiscal year following the fiscal year during which the deficiency was first documented. Applicants required to correct deficiencies related to physical accessibility may be certified in the interim upon effecting measures to reasonably accommodate persons with disabilities.

B) The Department shall notify the certified provider within 20 days after receipt and approval of the plan of correction. Providers whose certification is continued based on the Department's approval of their plan of correction shall be liable for any claims disallowed due to non-compliance with this Part and 59 Ill. Adm. Code 121.

C) Applicants that do not comply with Section 121.70 may be certified when a plan of correction is submitted and approved by the Department. Certification will be effective the latest date of implementation for correcting deficiencies noted in Section 122.25 and 59 Ill. Adm. Code 121.35.

D) If the plan of correction does not effectively address the action that has been or will be taken to meet the standards for compliance, the Department shall notify the certified provider within 20 days. The certified provider shall resubmit an acceptable plan of correction within 10 days after the notice or the Department shall act to suspend or terminate certification.

E) If the certified provider fails to respond to the notice of deficiencies within 25 days after the postmark date on the notice of deficiencies with a

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six months after initial certification when certification has been issued based solely upon a review of the application components specified in Section 122. Appendix A.

A) The on-site review for verification with this Part and with 59 Ill. Adm. Code 121 shall examine all administrative and service standards that pertain to the specific types of early intervention services for which the provider has been certified. The provider's site(s) on which early intervention services are offered shall be reviewed for compliance with applicable federal, state, and local laws and ordinances pertaining to safety and accessibility. A retrospective review of a sample of Medicaid-eligible client records shall be conducted. Such sample shall consist of a minimum of 10 records of the provider's Medicaid-eligible clients. In the event that 10 Medicaid-eligible client records are not available, the sample will consist of all available Medicaid-eligible client records.

B) If the on-site review verifies compliance with the requirements of this Part and 59 Ill. Adm. Code 121, the Department shall issue a letter of verification within 20 days after the date of completing the on-site review.

C) If the on-site review does not verify compliance with the requirements of this Part and with 59 Ill. Adm. Code 121, the Department shall report deficiencies to the provider during an exit conference. Within 20 days after the on-site review, the Department shall send a notice of deficiencies to the provider listing those standards of this Part and 59 Ill. Adm. Code 121 with which the provider does not comply.

D) The provider is required to submit a plan of correction for the deficiencies within 25 days after the postmark date on the written notice of deficiencies. The plan of correction shall identify the actions that have been, or will be, taken in order to comply with this Part and with 59 Ill. Adm. Code 121 and the timeframes for carrying out the action. Timeframes for carrying out the action shall not exceed three months except when deficiencies relate to major structural deficiencies related to physical accessibility of the site(s) for persons with disabilities. In such instances, implementation must

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plan of correction, the Department shall act to suspend or terminate certification.

f) Applications that have attached to them all components identified in Section 122. Appendix A shall be reviewed for compliance with this Part and 59 Ill. Adm. Code 121. Applications missing any components will not be accepted as complete and the timeframes of this Section pertaining to applications shall not apply. The applicant shall be notified in writing of missing components within 20 days after the receipt of the application. The applicant shall submit any missing components within 25 days after receipt of the written notification. Applications still missing components at this time shall be returned to the applicant.

1) If the application components comply with this Part and 59 Ill. Adm. Code 121, the Department shall issue a letter of certification within 20 days after having received the application and send the Medicaid enrollment forms to the provider. The effective date of certification shall be the date the review of the application was completed.

2) If the application includes all of the components but one or more of the components do not comply with this Part and 59 Ill. Adm. Code 121, the applicant shall be notified in writing within 20 days after receipt of the completed application of identified deficiencies. The applicant shall submit corrected documentation or an acceptable plan of correction for these deficiencies within 25 days after the postmark date on the notice of deficiencies. The plan of correction shall identify the actions that have been, or will be, taken in order to comply with this Part and 59 Ill. Adm. Code 121 and the timeframes for carrying out the action. If the applicant does not respond with a plan of correction within the 25 days, the application will be considered withdrawn and returned to the applicant.

3) After receipt and approval of the corrected documentation or the plan of correction for the identified deficiencies, the Department shall notify the applicant and issue a letter of certification and send the Medicaid enrollment forms to the applicant. The effective date of certification shall be the date on which the corrected documentation is approved or the plan of correction is carried out except when deficiencies relate to major structural deficiencies as explained in subsection (4)(D) below.

4) The Department shall schedule an on-site review to verify compliance with this Part and 59 Ill. Adm. Code 121 within

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occur before the end of the next complete state fiscal year following the fiscal year during which the deficiency was first documented in writing. Providers required to correct deficiencies related to physical accessibility may be certified in the interim upon effecting measures to reasonably accommodate persons with disabilities.

E) If the provider fails to respond to the notice of deficiencies within 25 days after the postmark date on the notice of deficiencies with an acceptable plan of correction, the Department shall initiate the process to suspend or terminate certification.

F) Within 20 days after receipt and approval of the plan of correction, the Department shall issue a letter approving continuation of the certification period. Providers certified based on the Department's approval of their plan of correction shall be liable for any claims disallowed due to non-compliance with this Part and 59 Ill. Adm. Code 121.

g) A provider certified by the Department under 59 Ill. Adm. Code 132 shall be deemed to comply with Sections 121.40, 121.45 (a) and (d), 121.55, 121.60 and 121.65 of 59 Ill. Adm. Code 121, and Section 122.35.

h) Applicants that are fully accredited by the Accreditation Council on Services for Persons with Disabilities (Standards for Services for Persons with Disabilities, Accreditation Council for Services for Persons with Disabilities, 8100 Professional Place, Suite 204, Landover, Maryland 20785, 1990)) or fully accredited for the early intervention program by the Commission on Accreditation of Rehabilitation Facilities (Standards Manual for Organizations Serving People with Disabilities (Commission on Accreditation of Rehabilitation Facilities, 101 North Wilmot Road, Suite 500, Tucson, Arizona 85711, 1992)) shall be deemed to be certified under this Part. However, such applicants are required to comply with all of the standards in this Part and 59 Ill. Adm. Code 121. To qualify under this subsection, applicants shall submit an application with a copy of the most recent accreditation survey to the address in Section 122.40 (b). The Department will review the materials and request additional information as necessary.

i) Applicants that are fully accredited by the Commission on Accreditation of Rehabilitation Facilities for the agency as a whole (not specifically for the early intervention program) or by the Council on Accreditation of Services for Families and Children

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(Manual for Agency Accreditation (Council on Accreditation of Services for Families and Children, Inc., 520 - 8th Avenue, Suite 2202B, New York, New York 10018, 1992)) shall not have the standards specified in 59 Ill. Adm. Code 121.45 (a) and 121.60 examined during the on-site review, but are required to comply with all of the standards. These applicants shall not have standards in 59 Ill. Adm. Code 121.40 examined during the on-site review for any site included in the licensure accreditation process but are required to comply with all of these standards.

j) Initial certification shall not be granted if the review notes deficiencies in Sections 122.25 (a), 122.75 or 122.80 or in 59 Ill. Adm. Code 121.40. If no deficiencies are noted in these sections, and the provider complies with all other requirements specified in Section 122.40, the initial certification shall be for a three-year period unless the review notes deficiencies in complying with 59 Ill. Adm. Code 121.55 (d). If such deficiencies are noted in 59 Ill. Adm. Code 121.55 (d), the initial certification shall be for a 12-month period. Any changes during the certification period which affect the ability of the provider to deliver services complying with the requirements of this Part and 59 Ill. Adm. Code 121 shall be reported to the Department.

k) When a decision is made not to certify an applicant, the applicant may appeal the decision and request a hearing in accordance with Section 122.60 and Section 10-25 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-25) [5 ILCS 100/10-25].

Section 122.45 Provider recertification and reviews

a) The Department shall conduct a full compliance review at or about three years from the date of the initial certification, unless the provider was certified for a period of twelve months pursuant to Section 122.40 (j). In this case, the Department shall conduct a full compliance review at or about twelve months from the date of initial certification. A provider which was deemed to meet this Part and 59 Ill. Adm. Code 121 in whole or in part according to Section 122.40 (g) or (h) shall submit documentation describing its current accreditation status to the address in Section 122.40 (b). A provider found to comply with this Part and with 59 Ill. Adm. Code 121 subsequent to initial certification shall be issued a letter of certification within 20 days, extending for three years from the date on which the prior certification period expired or will expire. Any changes during the certification period that affect the ability of the provider to deliver services complying with the requirements of this Part and with 59 Ill. Adm. Code 121 shall be reported to the Department.

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b) A provider found not to comply with this Part and 59 Ill. Adm. Code 121 shall be issued a notice of deficiencies within 40 days. The provider shall be required to submit a plan of correction for these deficiencies within 25 days after the postmark date of the notice of deficiencies. Timeframes for carrying out the action shall not exceed three months except when deficiencies relate to major structural deficiencies related to physical accessibility of the site(s) for persons with disabilities. In such instances, implementation must occur before the end of the next complete state fiscal year following the fiscal year during which the deficiency was first documented in writing. The Department shall issue a letter of certification upon approving the plan of correction. This certification shall extend for three years from the date on which the prior certification period expired or will expire.

c) A provider that fails to submit a plan of correction or submits a plan of correction which is not approved by the Department shall be subject to the suspension and termination provisions in Sections 122.55 and 122.60.

d) A focused review shall be conducted to verify the implementation of a plan of correction; to inspect new sites for which a provider seeks additional certification; to investigate complaints, and/or to review major program changes related to the ability of the provider to deliver services complying with this Part and 59 Ill. Adm. Code 121. A focused review shall include an on-site survey when visual inspection is necessary.

e) If a recertified provider has a plan of correction on file with the Department, a focused review shall be conducted within 12 months.

f) If the Department fails to conduct a compliance review for recertification before the expiration of the current certification period, the certification shall remain valid until completion of such compliance review.

g) Subsequent compliance reviews for recertification will be conducted on or about the expiration date of the current certification period.

h) The Department shall be granted access to all provider sites. Client records and all other records shall be made available to the Department, on request, during the initial compliance survey, focused review(s) and three-year full compliance survey(s) required by this Section, in accordance with the Confidentiality Act.

Section 122.50 Certification for additional services and/or new site(s)

- a) Providers certified for specific early intervention services pursuant to this Part and 59 Ill. Adm. Code 121 which seek certification for the provision of additional services shall submit the following documentation:
 - 1) A detailed program description of the service(s) delineating how the new service(s) is to be provided, when and where the service(s) is to be provided and who will provide the service(s), including staff qualifications; and
 - 2) If the service is to be provided at a site which has not already been certified, a clearance letter from the local fire authority or the Office of the State Fire Marshal and statements from a licensed plumber and licensed electrician stating that the site(s) meets required local codes for their respective professions, and a letter from the provider attesting to compliance with the requirements of physical accessibility standards (see 59 Ill. Adm. Code 121.40) (A statement from a local building inspector will meet the plumber and electrician requirements.)
- b) Providers certified for specific early intervention services pursuant to this Part and 59 Ill. Adm. Code 121 which seek certification for new site(s) (e.g., moving to a new location or adding an additional site) shall comply with the documentation requirements specified in subsection (a)(2) above.
- c) The provider's request to certify additional early intervention services or new site(s) shall be submitted to the Department.
- d) The documentation listed in subsection (a)(1) and/or (2) above shall be reviewed for compliance within 20 days after receipt.
 - 1) If the review determines that the provider complies with the requirements for certification for additional early intervention services and/or new site(s), the provider shall be notified and a new Medicaid certificate issued with the same expiration date as the current certificate. The certificate shall identify the additional early intervention services or new site(s) certified. The Department shall conduct a focused review within 18 months or at the next scheduled review, whichever comes first, to verify compliance with the requirements for new services only. The Department shall conduct a focused review within 12 months after the Department's approval of the new site(s) or at the

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next scheduled review, whichever comes first, to verify compliance with the requirements for new site(s) only or both new site(s) and new services.

- 2) If the review determines that the provider does not comply with the requirements for certification for additional service(s) or new site(s), the provider shall be notified of the deficiencies in writing within 20 days after receipt of the documentation as identified in subsection (a)(1) and/or (2) above. The provider shall submit an acceptable plan of correction for these deficiencies within 25 days after the postmark date on the notice of deficiencies.

- A) After the Department's receipt and approval of a plan of correction, the provider shall be notified and a new Medicaid certificate issued with the same expiration date as the current certificate. The certificate shall identify the additional early intervention service(s) and/or new site(s).

- B) The Department shall conduct a focused review to verify implementation of the plan of correction for new site(s) at the next scheduled review or within six months after the Department's approval of the new sites, whichever comes first.

Section 122.55 Suspension of certification

- a) Failure to comply with the requirements of this Part and with 59 Ill. Adm. Code 121 during a certification period shall result in the certified provider being suspended from participation in the Medicaid rehabilitation option early intervention program. The provider shall not receive enhanced funding (via federal financial participation) during the suspension period.

- b) The Department shall issue a written warning and a correction order to a certified provider which has failed to comply with this Part and with 59 Ill. Adm. Code 121. The letter shall be sent by certified mail, returned receipt requested. The following shall occur as a result of such suspension:

- 1) The provider shall have a maximum of 60 days from the date of receipt of the written notice to correct the cited deficiencies.
- 2) If the provider does not correct the cited deficiencies within 60 days, the Department shall refer the matter to the Department of Public Aid for action to terminate the

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provider's participation in the medical assistance program pursuant to 89 Ill. Adm. Code 140.16.

- c) The Department shall immediately suspend a certified provider, and such suspension shall not be stayed pending an appeal, if it determines:

- 1) Clinical supervision of services, as specified in each Subpart, is not being provided; or
- 2) The provider's staff is inflicting physical or mental injury or sexual assault on the children served; or
- 3) The site in which the services are provided presents an immediate danger to children or their families, and the problem presenting the danger is not immediately corrected. An example is a gas leakage in the heating system that has not been repaired.

- d) The suspension shall continue until the Department determines that the cited deficiencies have been corrected or until action pursuant to subsections (b)(1) and (b)(2) above is taken.

- e) The Department shall notify the Department of Public Aid of any action taken pursuant to this Section, and in addition, shall refer any evidence of Medicaid fraud within 10 days of the discovery of such evidence to the Department of Public Aid for further action.

Section 122.60 Termination of certification

- a) A provider shall be issued a written notice terminating certification during a certification period for:

- 1) Meeting any of the grounds for termination set forth in 89 Ill. Adm. Code 140.16; or
- 2) Discontinuing delivery of all early intervention services for which the provider has been certified; or
- 3) Being convicted of defrauding the medical assistance program under Article VIII A of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 8A-1 et seq.) [305 ILCS 5/8A-1]; or
- 4) Failing to submit and/or carry out a plan of correction for cited deficiencies.

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an order to that effect. If the order is to suspend or terminate the certification, it shall specify that the order takes effect upon receipt by the certified provider.

- 2) The Department shall schedule a hearing within 20 days after receipt of the request for appeal. The applicant or the provider and the applicant's or provider's representative, hereinafter referred to as the appellant, shall be notified by registered mail at least 10 days before the hearing. The notice of hearing shall include:

- A) The date, time, and place of the hearing;
 - B) The legal authority to hold the hearing;
 - C) The reference to the particular Sections of the statutes or rules involved; and
 - D) A short statement of the matters asserted.
- 3) Each hearing shall be conducted at a time, date and place reasonably convenient to the appellant.
- 4) The hearing shall be conducted by an impartial hearing officer authorized by the Director to conduct such hearings. The officer shall not have participated in the decision under appeal.
- 5) The hearing officer, at his or her sole discretion, may grant continuances of the hearing, not to exceed two, at the request of either the appellant or the Department.
- 6) The Department shall tape record the hearing. A copy of the recording shall be given to the appellant if the appellant so requests no later than five days after the hearing officer makes his or her decision. The appellant must request a copy of the recording no later than 72 hours after receipt of the decision, if a copy is so desired. The Department shall charge the appellant for the cost of the tape.
- 7) At the hearing both parties may present written and oral evidence. The appellant may be represented by the person of his or her choice. The Department shall have the burden of proving that there was substantial evidence of non-compliance with these standards. Substantial evidence is such evidence as a reasonable person can accept as adequate

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- b) In the event that the contract between the provider and the Department for provision of services under 59 Ill. Adm. Code 121 is terminated, certification of the provider shall likewise be terminated and the Department of Public Aid shall be advised of this by the Department. The provider is solely liable for the cost of services provided after the contract has been terminated.

Section 122.65 Certification appeal criteria and process

- a) Grounds for appeal by the provider are:
- 1) Determination of non-compliance with this Part; or
 - 2) Refusal to issue certification; or
 - 3) Refusal to issue recertification; or
 - 4) Suspension or termination of any or all early intervention services.
- b) Certification appeal criteria and process
- 1) If the Department determines that certification or the recertification should not be issued or that certification should be suspended or terminated during a certification period because of non-compliance with the provisions of this Part, the Department shall send, by registered mail, written notice to the applicant or the certified provider within 30 days after the determination. The notice shall contain the specific requirements with which the provider has not complied and the Department's proposed action as follows:

- A) If the applicant or certified provider chooses to appeal the Department's decision, the applicant or provider shall submit a written request for a hearing to the Department within 20 days after the date of receipt of the notice.
- B) If an appeal is initiated by a certified provider, services shall be continued pending a final administrative decision.
- C) If the applicant or certified provider does not submit a request for a hearing, as provided in this Part or if after conducting the hearing the Department determines that the certification or recertification should not be issued or that the certification should be suspended or terminated, the Department shall issue

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to support a conclusion. The Department shall present its evidence first, then the appellant shall present evidence.

8) Evidence

A) The hearing officer shall not be bound by the rules of evidence or procedure, but shall conduct the proceedings in a manner that ensures both parties are allowed to present their evidence and arguments fully and freely.

B) Any party or representative may ask questions of any other party or witness, and the hearing officer may ask questions of any other party or witness. Questions impeaching the witness' character or credentials shall be improper.

9) The hearing officer shall only consider evidence presented at the hearing in making his or her decision as to whether the Department sustained its burden of proof. The hearing officer shall uphold, reverse or modify the Department's decision or determine that the Department lacks jurisdiction. Within five days after the hearing, the hearing officer shall submit his or her written decision, that shall include a statement of facts concerning the appeal and conclusions, to the Department. A copy of the decision shall be sent to the appellant at the same time it is submitted to the Department.

10) In the event the appellant does not appear at the hearing, the appeal shall be deemed abandoned and shall be dismissed by the hearing officer. The hearing officer shall send written notice of the dismissal to the appellant.

11) If the appellant is not satisfied with the hearing officer's decision, the appellant may request a review of the decision by the Director or his or her designee. The request must be made in writing to the Director or his or her designee no later than 10 days after receipt of the hearing officer's decision. The request shall briefly state the appellant's objections to the decision.

12) The record shall include those items required by Section 10-35 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-35) [5 ILCS 100/10-35].

13) Upon receipt of the request for review, the Director or his or her designee shall review the hearing officer's decision

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and the record of the hearing. After consideration of all the evidence, the Director or his or her designee shall issue a written decision upholding, reversing, modifying or remanding the hearing officer's decision and setting forth the facts of the appeal and the bases for the decision. The Director or his or her designee shall issue a written decision within 20 days after receipt of the request for review, and copies shall be sent to the appellant. The Director shall uphold the decision if he or she determines that the procedures set out in this Section were properly followed and that the decision was supported by substantial evidence. The Director's or his or her designee's decision shall constitute a final administrative decision.

14) Final administrative decisions shall be subject to judicial review exclusively as provided in the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, par. 3-101 et seq.) [735 ILCS 5/3-101].

Section 122.70 Rate setting

a) The purpose of the Department computing rates for early intervention services is for claiming under the Medicaid rehabilitation option and returning the federal financial participation monies generated to early intervention programs, up to the appropriation.

b) The rates shall be computed for each State fiscal year, shall be implemented 30 days after approval is received from the Department of Public Aid and shall be in effect for one State fiscal year.

c) Rates for each service are based on rates paid by the Department or the Department of Public Aid for the similar services provided by the same level of professional.

d) If no rates exist in accordance with subsection (c) above, unit rates for each early intervention service are computed from the following factors:

1) Hourly wages and salaries for staff who are authorized to provide claimable services;

2) Hourly paid benefits for staff who are authorized to provide claimable services;

3) Hourly Medicaid-reimbursable community provider operating expenses in addition to those specified in (1) and (2) above;

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- 4) Time spent in delivering services that may be claimed; and
- 5) Child or family staff ratios.
- e) Services such as screening, social history, assessment, the individualized family service plan, psychological services/evaluation and service facilitation shall be reported at an hourly rate per child reportable to the nearest quarter hour; and
- f) Developmental services shall be reported at an hourly rate per child reportable to the nearest half hour.

SUBPART C: OPERATIONAL PROCEDURES

Section 122.75 Assessment

The results of the assessment shall be reviewed by the physician or LPHA and documented by signature on the IFSP. The physician or LPHA shall determine if other evaluations are necessary in order to develop the child's IFSP.

Section 122.80 Individualized family service plan (IFSP) development and modification

- a) In addition to the requirements specified in 59 Ill. Adm. Code 121.90, a physician or LPHA shall provide the clinical direction of rehabilitative early intervention services identified in the IFSP as documented by his or her signature on the IFSP. This signature must be obtained within the timeframes in Section 121.70.
- b) Such clinical direction shall include review and approval of the initial IFSP and subsequent modification(s). The IFSP shall be reviewed and modified, as necessary, but no less than once every six months.

Section 122.85 Transdisciplinary or interdisciplinary team

The transdisciplinary or interdisciplinary team shall invite the participation of the physician or LPHA who reviews and signs the IFSP.

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Section 122.APPENDIX A Early Intervention Services Provider Certification
Application Components

The following items are required as attachments to the application pursuant to Section 122.40.

1. Detailed program description (including staff qualifications, dates and times of operations) for each service for which application is made.
2. Utilization review plan pursuant to 59 Ill. Adm. Code 121.65.
3. A copy of a child and family record format including copies of all forms to be used.
4. If accredited, a copy of the applicant's most recent accreditation letter and, if applicable, the report of survey findings.
5. Documentation of compliance with State and local ordinances and codes pursuant to 59 Ill. Adm. Code 121.40 as they relate to fire and safety for all sites where services are provided.
6. Documentation of compliance from a licensed plumber and electrician for all sites where services are provided. (A statement from a local or municipal/county building inspector will meet this requirement.)
7. A copy of the applicant's financial audit for the last fiscal year if it is not on file with the Department.
8. Policy statements on:
 - a. Third party payments (pursuant to Section 122.30 (d));
 - b. Written recommendation and clinical direction of services pursuant to Section 122.25 (a) and 122.80; and
 - c. Confidentiality of child and family records (pursuant to 59 Ill. Adm. Code 121.55).
9. The most recent contract that the applicant has with the Department for early intervention services.
10. A staffing roster that demonstrates the applicant's capacity to provide services according to this Part and 59 Ill. Adm. Code 121.

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1) Heading of the Part: Early Intervention Program

2) Code Citation: 59 Ill. Adm. Code 121

3) Section Numbers: Adopted Action:

121.10	121.120	New Section
121.15	121.125	New Section
121.20	121.130	New Section
121.25	121.135	New Section
121.30	121.140	New Section
121.35	121.145	New Section
121.40	121.150	New Section
121.45	121.155	New Section
121.50	121.160	New Section
121.55	121.165	New Section
121.60	121.170	New Section
121.65	121.175	New Section
121.70	121.180	New Section
121.75	121.185	New Section
121.80	121.190	New Section
121.85	121.195	New Section
121.90	121.200	New Section
121.95	121.105	New Section
121.100	121.110	New Section
121.105	121.115	New Section
121.110		
121.115		

4) Statutory Authority: Implementing and authorized by Section 9 of the Early Intervention Services System Act (Ill. Rev. Stat. 1991, ch. 23, par. 4159) [325 ILCS 20/9].

5) Effective Date of Rule: March 23, 1993

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these rules contain incorporations by reference? Yes, this rulemaking incorporates by reference the standards of nationally recognized organizations as well as federal regulations (CFR).

8) Date Filed in Agency's Principal Office: March 22, 1993

9) Notice(s) of Proposal Published in Illinois Register: October 16, 1992 (16 Ill. Re. 15715).

10) Has JC&R issued a Statement of Objections to these rules? No.

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11) Difference(s) between proposal and final version: The Department made the following changes in response to public comment:

Section 121.25(c)(4)(B) - A period was substituted for the semicolon and the last sentence was added.

Section 121.25(c)(4)(F) - Added.

Section 121.30 - In the definition of "(c) coordinating/advocacy provider", the phrase "and advocacy services for families of eligible children" was added to the end of the second sentence. The third and fourth sentences were deleted.

In the definition of "(e) early intervention", the word "services" was substituted for the word "instruction" after the word "supportive" in the last line.

In the definition of "(p) provider", the phrase "having a contract with" was substituted for the phrase "funded by" after the word "agency" and the phrase "for the provision of" was substituted for the phrase "to provide" after the word "Department."

Section 121.35(f) - In the second sentence the word "service" was substituted for the word "written" before the word "agreements".

Section 121.40(b)(2) - Added, causing former (b)(2) to be relabeled (b)(3) and former (b)(3) to be relabeled (b)(4).

Section 121.45(c)(2) - The phrase "ensure that" was substituted for the phrase "provide a training program for" after the word "shall" in the first sentence. The phrase "are trained appropriately" was added after the word "volunteers" in the first sentence.

Section 121.45(d)(2) - The phrase "which are currently receiving services" after the word "families" in the second line and the last sentence were added.

Section 121.75(f)(2)(B) - The phrase "the child's" was added before the word "functioning".

Section 121.85(c) - The phrase "provide written notification" was substituted for the phrase "send a letter" after the phrase "the provider shall" in the first sentence.

Section 121.90(f) - The phrase "coordinating advocacy provider" was substituted for the abbreviation "ICC" after the word "local" in the last sentence.

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Section 121.90(g)(1) - The word "master" before the abbreviation "IFSP" was deleted.

Section 121.100(a)(1) - The word "package" was added before the phrase "will include" in the last sentence.

Section 121.100 (h)(1)(E) - The word "procurement" was substituted for the word "identification" before the phrase "of a transportation provider".

Section 121.100(i)(1)(A)(ii) - The phrase "the child's" was added before the word "functioning".

Section 121.105(a) - The word "when" was substituted for the phrase "due to" after the word "occur".

The Department made the following changes in response to recommendations received from JCAR:

Section 121.10(b) - A comma was added before the phrase "Part H" in the seventh line.

Section 121.20(g) - The comma following the word "safeguards" was deleted.

Section 121.25(c)(5) - A comma was substituted for the word "or" after the word "histories".

Section 121.30 - In the definitions of "Children and Family Services, Department of (DCFS)", "Public Aid, Department of (DPA)" and "State Board of Education", the letter "s" on the word "State" was capitalized wherever it appeared.

In the definitions of "(d)developmental delay" and "(d)developmental disabilities" the use of bold-face type to denote statutory language was corrected.

In the eighth subsection of the definition of "(q)qualified mental retardation profession (QMRP)", the phrase "who has" was added before the word "met" in the fourth line and the word "is" was substituted for the word "be" before the phrase "in the process of" in the fifth line.

In the tenth subsection of this same definition, the spelling of "Dietetics" was corrected.

In the last subsection of this same definition, the comma following the word "including" was deleted; a comma was added after the phrase "limited to".

Section 121.40(a) - In the next to the last line, the "w" on "With" was capitalized.

Section 121.45(c)(1)(F) - A comma was added after "e.g." in the parenthetical statement.

Section 121.45(d)(2) - The word "that" was substituted for the word "which" in the last sentence.

Section 121.50(c) - The "s" on the word "State" in the parenthetical statement was capitalized.

Section 121.55(b) - The word "that" following the word "specify" was deleted.

Section 121.60(a) and 121.60(c) - The comma following the word "information" was deleted.

Section 121.100(d)(2) - Commas were added after the word "to" following the word "pursuant" and after the word "under" following the word "allowed".

Section 121.100(i)(1)(A)(ii) - The word "and" after the word "situation" was deleted.

Section 121.100(i)(1)(A)(iii) - The word "and" after the word "family" was added; a semicolon was substituted for the period after the word "family".

Section 121.100(i)(1)(A)(iv) - The opening phrase "It shall also include" was deleted; the "t" on the word "The" was capitalized.

Section 121.115(a) - The word "below" was added after the references to "subsection (c)" in the last two sentences.

Section 121.135(b) - Commas were substituted for the semicolons after the words "requests" and "necessary".

Section 121.145(b) - The phrase "or she" was added after the word "he" in the next to the last sentence.

In addition, the Department made the following technical changes:

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Section 121.25(a) - A period was added after the abbreviation "par" in the third line.

Section 121.25(f) - The word "to" before the word "Subpart" was deleted.

Section 121.30 - In the definition of "(d)evelopmental delay", a comma was added after the phrase "ch. 23".

In the definition of "(i)nterdisciplinary process", the first period was placed inside the parenthesis.

In the definition of (q)ualified mental retardation professional (QMRP), the acronym "QMRP" was placed before the end parenthesis.

In the eighth subsection in the definition of "(q)ualified mental retardation professional (QMRP)", a period was placed after the abbreviation "seq" and a semicolon was substituted for the comma at the end of this subsection.

In the definition of "(p)rovider", the phrase "in accordance with" was substituted for the phrase "according to" after the word "services" for consistency with phrasing used elsewhere in this Part.

Section 121.35(a)(1) - The period after the word "et" was deleted.

Section 121.85(b)(2) - The word "in" was added before the word "Section".

Section 121.90(e) - The word "an" was substituted for the word "a" before the word "early" in the second line.

Section 121.95(b)(4) - The word "the" was added before the word "child's" in the third line.

Section 121.100(d)(2) - The word "an" was added before the word "occupational" in the second line and substitute for the word "a" before that same word in the third line.

Section 121.100(f)(1) - The word "consist" was substituted for the word "consists" after the word "services" in the first line.

Section 121.100(f)(2) - A comma was added after the date 1991 in the citation.

Section 121.100(g)(1)(C), (D) and (E) - The labeling of these subsections was corrected to read (B), (C) and (D).

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Section 121.100(h)(1) - A comma was added after the word "care" in the first line.

Section 121.105(a)(4) - The word "child" was substituted for the word "child's".

Section 121.105(e) - The word "to" before the word "Section" in the eighth line was deleted.

Section 121.135(d) - The word "witness's" was substituted for the word "witness" in the last line.

References to the Illinois Compiled Statutes (placed in brackets per the request of JCAR) were added throughout this rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, all changes have been made based on discussions with JCAR. No agreement letter was issued.

13) Will these rules replace an emergency rule? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rules: Part 121 is the Department's rule for providers of early intervention services for children from birth to 36 months old who have a developmental disability, developmental delay or high probability of developmental delay and their families. Development of this Part and its companion (59 Ill. Adm. Code 122, which is also being adopted in this issue of the Illinois Register) began in December, 1991 and has included considerable discussion with a subcommittee composed of community provider agencies, parents and other state agencies.

Key provisions of this Part are: (1) Child and family rights; (2) provider requirements, including those related to environmental management, administration, personnel and recordkeeping; (3) early intervention services; (4) operational procedures, including eligibility, discharge and exit criteria; (5) program evaluation and utilization review requirements; and (6) hearings and appeals process.

This Part will enable the Department to provide formal standards governing the provision of early intervention services.

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TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF MENTAL HEALTH
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- 16) Information and questions regarding these adopted rules shall be directed to:

Name: Judith Hollenberg
Rules Administrator
Address: 403 Stratton Building
Springfield, IL 62765
Telephone: (217)785-3313

The full text of the Adopted Rules begins on the next page:

PART 121
EARLY INTERVENTION PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	Purpose
121.10	Incorporation by reference
121.15	Early intervention service principles
121.20	Child and family rights and confidentiality
121.25	Definitions
121.30	

SUBPART B: PROVIDER REQUIREMENTS

121.35	General requirements
121.40	Environmental management
121.45	Administrative requirements
121.50	Personnel requirements
121.55	Recordkeeping
121.60	Program evaluation
121.65	Utilization review

SUBPART C: OPERATIONAL PROCEDURES AND SERVICES

121.70	Timeframe for completion of process
121.75	Screening and social history
121.80	Assessment
121.85	Eligibility, notice requirements and time frames for compliance
121.90	Individualized family service plan (IFSP) development and modification
121.95	Transdisciplinary or interdisciplinary team
121.100	Early intervention services
121.105	Discharge
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121.115	Transition process

SUBPART D: HEARINGS AND APPEALS

121.120	Representation
121.125	Notice
121.130	Pre-hearing conference
121.135	Conduct of hearings
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121.APPENDIX A Utilization Guidelines

NOTE: Boldface type denotes statutory language.

AUTHORITY: Implementing and authorized by Section 9 of the Early Intervention Services System Act (Ill. Rev. Stat. 1991, ch. 23, par. 4159) [325 ILCS 20/9].

SOURCE: Adopted at 17 Ill. Reg. 4261, effective March 23, 1993.

SUBPART A: GENERAL REQUIREMENTS

Section 121.10 Purpose

a) The requirements contained in this Part establish criteria for participation by providers in the Department of Mental Health and Developmental Disabilities (Department)-funded early intervention program. The Department's early intervention program funds early intervention services as described in Subpart C of this Part.

b) The requirements contained in this Part do not apply to those early intervention services that are similar to those described in Subpart C but are funded by other sources. Other funding sources, such as the Elementary and Secondary Education Act (20 U.S.C. 2701 et seq., 1991) (P.L. 89-313, Chapter I) and the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq., 1991) (P.L. 102-119, Part H), have their own requirements governing the services that they fund.

c) The intent of this Part is to define and describe the role of the Department in implementing one component of the Early Intervention Services System Act (Ill. Rev. Stat. 1991, ch. 23, par. 4151 et seq.) [325 ILCS 20/1]. This Part describes requirements for providing early intervention services by Department-funded core early intervention providers to children from birth to 36 months old who have a developmental disability, developmental delay or high probability of developmental delay and to their families.

d) The policies and procedures in this Part shall provide uniform directions for the Department's early intervention program.

Section 121.15 Incorporation by reference

Any rules or standards of an agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

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Section 121.20 Early intervention service principles

Early intervention services shall be:

a) Family focused

The family is the focus of the service system. Families have the right to be involved in early intervention services to the extent that they desire. Families shall be provided encouragement and training to take the lead, if they so choose, in the development and implementation of early intervention services.

b) Designed to meet the developmental needs of the child

A comprehensive delivery system shall meet the unique needs of the child and family. The delivery service system shall be guided by an individualized family service plan (IFSP) and shall build on existing social service and community networks.

c) Of high quality

Early intervention services shall be provided by qualified personnel who have training in child development.

d) Provided in the most natural environment for the child and family

Early intervention services shall promote integration and participation of the entire family in the community by strengthening existing networks and by assisting the family to obtain community resources. Emphasis shall be placed on providing services whenever possible in environments with children with no disabilities.

e) Accessible to the family

Families of children with a developmental disability, developmental delay or high probability of developmental delay shall be able to access services within the geographic area in which they live. These services shall be sensitive to the social, economic and cultural needs of the family.

f) Of a transdisciplinary or interdisciplinary nature

Early intervention services shall be designed and provided by a transdisciplinary or interdisciplinary team, which shall consist of the parent or parent substitute and professionals. The professionals shall represent the different disciplines necessary

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to help to identify the needs of the family and those of the child.

- g) Provide for transition into community-based programs and services

Assistance with transition planning shall be an essential part of the early intervention program. This shall include informing families of the child's entitlement to education and of the procedural safeguards for a timely transition into the education system. Families shall also be informed of other community services that are available to meet the unique and changing needs of the child and family.

- h) Monitored and evaluated for quality assurance

Quality assurance shall entail a comprehensive program of internal and external monitoring to assess and identify needs that allow for strategic planning, cost-effectiveness and the enhancement of current and future services.

Section 121.25 Child and family rights and confidentiality

Providers shall ensure that the rights of the child and family are protected and that all services provided to the child and family comply with the laws cited in subsections (a) and (b) below.

- a) The rights of the child and family shall be protected in accordance with Chapter 2 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1991, ch. 91½, par. 2-100 et seq.) [405 ILCS 5/2-100], except that the use of seclusion shall not be permitted.

- b) The right of the child and family to confidentiality shall be governed by the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1991, ch. 91½, par. 801 et seq.) [740 ILCS 110/1].

- c) Staff shall inform the parent or parent substitute of a child who is entering a program of the following:

- 1) His or her rights according to subsections (a) and (b) above;
- 2) His or her right to contact Protection and Advocacy, Inc. or to request advocacy from the local coordinating/advocacy provider, other service providers or Department grant-funded case coordination. The early intervention provider may be one of several potential sources offered for such advocacy.

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This information shall be given to the parent or parent substitute in writing. Staff shall offer assistance to the parent or parent substitute in contacting Protection and Advocacy, Inc., the coordinating/advocacy provider, the service providers or Department grant-funded case coordination;

- 3) His or her right to provide informed consent in writing, prior to:

- A) An initial screening, social history and assessment of the child;

- B) A family assessment;

- C) Initiation of services to the child and family; and

- D) An assessment subsequent to the initial screening, social history and assessment (unless he or she has specifically waived this requirement in writing).

- 4) His or her right to:

- A) Receive a timely assessment;

- B) Refuse screenings, social histories, assessments and services. If a family refuses screenings, social histories, assessments and services, the provider does not have to provide any other services.

- C) Review and correct records; and

- D) Upon request, be given a list by the provider of the types and locations of records collected, maintained or used by the provider relating to:

- i) Screening, social history, assessment, eligibility determinations or the development and implementation of IFSPs; and
- ii) Individual complaints dealing with children or families.

- E) The provider shall also include the title and address of the person to whom requests to review such records should be made.

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- F) The Department has the right to inspect records at any time.
- 5) His or her right to selectively consent to proposed screenings, social histories, assessments and services recommended through the IFSP process;
- 6) His or her right to present complaints, appeal actions to deny, modify, reduce or discharge from services;
- 7) His or her right to approve the individualized family services plan, as specified in Section 121.90 (f); and
- 8) Any impact on his or her resources or sources of payment, including insurance, as a result of receiving the early intervention services.
- d) The information in subsection (c) above shall be explained using language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances. Documentation of such explanation shall be placed in the child and family's clinical record.
- e) Providers shall have procedures that permit the family to present complaints and to appeal actions to deny, reduce or discharge from services. The provider complaint process shall permit the family to appeal an adverse provider decision to the authorized agency representative. The procedures shall require, at a minimum that:
- 1) Notification of the right to appeal actions to deny, modify, reduce or discharge from services be given to the parent or parent substitute on entry into the program;
 - 2) Written notice be given of the intent to deny and, 10 days in advance, of actions to modify, reduce or discharge from services. If the parent or parent substitute is unable to read, the information shall also be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances;
 - 3) If the parent or parent substitute appeals the intended action, no provider action shall be implemented before a final administrative decision is made;
 - 4) Timeframes for notice of the intent to appeal and making of a final administrative decision be set; and

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- 5) No one directly involved in the action or decision being complained or appealed and/or who has a conflict of interest with either party be part of the review of that action or decision.
- f) If not satisfied with the authorized agency representative's decision on the complaint, the parent or parent substitute shall be informed of his or her right to appeal the decision in accordance with Subpart D of this Part.
- g) The child and family shall not be denied services, discharged from services or have services reduced for exercising any of their rights while pursuing or after resolution of the complaint. No one shall be penalized for exercising his or her due process.

Section 121.30 Definitions

For the purposes of this Part, the following terms are defined:

"Advocacy." The process of speaking for, on behalf of, an individual, group, or cause especially when rights or interests are at risk.

"Appellant." The family or agency which requests a hearing.

"Assessment." The ongoing procedures used by appropriate qualified personnel throughout the period of a child's eligibility under this Part to identify:

The child's strengths and unique needs;

The family's concerns, resources and priorities related to child development;

The nature and extent of early intervention services that are needed by the child and the child's family; and

The adjusted age level of the child's developmental skills.

"Authorized agency representative." A person appointed by the governing body who has responsibility for the provider's administration, including programmatic content and fiscal affairs.

"Center based program." One in which early intervention service(s) are provided to children and/or families at a site owned or leased by the provider.

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"Children and Family Services, Department of (DCFS)." The State agency in Illinois responsible for providing social services to children and their families, to operate children's institutions, and to provide certain other rehabilitative and residential services. (Ill. Rev. Stat. 1991, ch. 23, par. 5001 et seq.) [20 ILCS 505/1].

"Code." The Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1991, ch. 91½, par. 1-100 et seq.) [405 ILCS 5/1-100].

"Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1991, ch. 91½, par. 801 et seq.) [740 ILCS 110/1].

"Coordinating/advocacy provider." Certified entity in local community area that coordinates early intervention services with other services needed by the family or child up to age 5. This entity provides staff support to the local interagency coordinating council and advocacy services for families of eligible children. This entity is described in Section 6 of the Early Intervention Services System Act (Ill. Rev. Stat. 1991, ch. 23, par. 4156) [325 ILCS 20/6].

"Day." A working day unless otherwise noted.

"Department." The Department of Mental Health and Developmental Disabilities.

"Developmental delay." One in which a child is experiencing a delay in one or more of the following areas of childhood development as measured by appropriate diagnostic instruments and standard procedures: cognitive; physical, including vision and hearing; language; speech and communication; psycho-social; or self-help skills (Ill. Rev. Stat. 1991, ch. 23, par. 4153) [325 ILCS 20/3].

"Developmental disability." Disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by mentally retarded individuals. Such disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap (Ill. Rev. Stat. 1991, ch. 91½, par. 1-106) [405 ILCS 5/1-106].

"Developmental services." Consists of a wide range of services provided to a child and his or her family which are designed to

enhance the child's development and promote his or her maximum level of functioning.

"Director." The Director of the Department.

"Early intervention." Consists of a wide range of services (as described in Section 121.100) provided for children from birth to 36 months old with a developmental disability, developmental delay or high probability of developmental delay and their families. Early intervention programs are designed to improve child development, minimize potential delays, remediate existing problems, prevent further deterioration, limit the development of additional disabling conditions, and/or promote adaptive family functioning. The goals of early intervention are accomplished by providing developmental and therapeutic services to children and supportive services for their families.

"Early intervention aide." A person who has had training (as specified in Section 121.45(c)) that enables him or her to work with children and their family members, and provide services as an assistant to and under the supervision of an early intervention specialist. This person must have a minimum of one year supervised experience in the field of mental retardation or human services providing direct services.

"Early intervention program." Services as defined in this Part by a provider under a contractual agreement with the Department.

"Early intervention specialist." A person who meets the qualifications of a qualified mental retardation professional (QMRP) as defined in this Section. This person shall have a background in child development and shall be responsible for planning, coordinating and providing early intervention services to children and their families and supervising activities of early intervention aides.

"Evaluation." Process used by appropriate qualified personnel to determine a child's initial and continuing eligibility, including determining the child's status in each of the developmental areas specified in Section 121.90 (d)(1).

"Family." The parent or parent substitute, as defined by this Section, sister and brother of a child.

"Frequency and duration." Frequency means the number of days or sessions that a service will be provided and duration means the length of time the service is provided during each session.

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"Governing body." The policy-making authority of a provider that establishes policies concerning the provider's operation and the welfare of individuals; provides for the provider's administration by appointing an authorized agency representative to implement its policies; and exercises general oversight of the provider's operation, its fiscal affairs and programmatic content to implement the provider's mission.

"Guardian." The court-appointed guardian or conservator of the person under the Probate Act of 1975 (Ill. Rev. Stat. 1991, ch. 110), par. 1-1 et seq.) [755 ILCS 5/1-1] or a temporary custodian or guardian of the person of a child appointed by an Illinois juvenile court or a legally-appointed guardian or custodian or other party granted legal care, custody and control over a minor child by a juvenile court of competent jurisdiction located in another state whose jurisdiction has been extended into Illinois via the child's legally authorized placement according to the applicable interstate compact (The Juvenile Court Act of 1987 (Ill. Rev. Stat. 1991, ch. 37, par. 801-1 et seq.) [705 ILCS 405/1-1]; Interstate Compact on the Placement of Children (Ill. Rev. Stat. 1991, ch. 23, par. 2601 et seq.) [45 ILCS 15/1]).

"Hearing officer." The person appointed by the Director to preside at the formal administrative hearing.

"High probability of developmental delay." Means a physical or mental condition that meets one of the following:

A diagnosed medical disorder bearing a relatively well-known expectancy for developmental outcomes within varying ranges of developmental disabilities; or

A history of prenatal, perinatal, neonatal or early developmental events suggestive of biological insults to the developing central nervous system and which either singly or collectively increase the probability of developing a disability or delay based on a medical history (Ill. Rev. Stat. 1991, ch. 23, par. 4153) [325 ILCS 20/3].

"Individualized family service plan (IFSP)." Written plan developed by the transdisciplinary or interdisciplinary team. It contains a statement of the child's present levels of cognitive, physical (including vision and hearing), communication (including receptive and expressive language skills), and social or emotional development and adaptive skills based on acceptable objective criteria.

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"Interdisciplinary process." The process in which different disciplines perform assessments and implement services in their discipline areas but work from an IFSP jointly developed with the parent or parent substitute.

"Local interagency coordinating council (local ICC)." Advisory body to the early intervention program responsible for local community needs assessments, planning, developing recommendations for local program development, and conflict resolution. The local ICC is composed of parents, representatives from the coordinating/advocacy provider, the regional diagnostic services, local early intervention agencies, and local state agency staff. The local ICC is described in Section 6 of the Early Intervention Services System Act.

"Natural environment." A place where children without disabilities would normally participate in developmentally and age-appropriate activities (includes home, day care, preschool, nursery school and recreation programs).

"Parent or parent substitute." A person acting in the capacity of a parent with respect to a child. The parent substitute shall be:

The legal guardian, if a legal guardian has been determined;

The natural or adoptive parent, if no legal guardian has been determined;

A person licensed as a foster parent and providing care under the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2211 et seq.) [225 ILCS 10/1];

A surrogate parent appointed by the Illinois State Board of Education; or

Another relative who is 21 years old or older who has a parent-like relationship with the child and who wishes to serve as the parent substitute. This relative shall be considered the parent for purposes of this Part if there is no objection from:

The legal guardian, if a legal guardian has been determined; or

The natural or adoptive parent, if no legal guardian has been determined.

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"Physician." A physician licensed under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60/1].

"Provider." An agency having a contract with the Department for the provision of early intervention services in accordance with this Part.

"Public Aid, Department of (DPA)." The State agency in Illinois responsible for administering the federal Medicaid program and other federal and State public assistance programs.

"Quality assurance." A systematic and objective approach to monitoring and evaluating the appropriateness, adequacy and quality of services in order to identify and resolve problems.

"Qualified mental retardation professional (QMRP)." - A QMRP must have at least one year of experience working directly with individuals with mental retardation or other developmental disabilities and be one of the following:

A doctor of medicine or osteopathy licensed pursuant to the Medical Practice Act of 1987;

A registered nurse licensed pursuant to The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.) [225 ILCS 65/1];

An occupational therapist or occupational therapist assistant certified by the American Occupational Therapy Association (Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 3701 et seq.) [225 ILCS 75/1]);

A physical therapist certified by the American Physical Therapy Association (Illinois Physical Therapy Act (Ill. Rev. Stat., 1991, ch. 111, par. 4251 et seq.) [225 ILCS 90/1]);

A physical therapist assistant registered by the American Physical Therapy Association or a graduate of a two-year college-level program approved by the American Physical Therapy Association;

An individual with at least a master's degree in psychology from an accredited school;

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A social worker with a bachelor's degree from a college or university or graduate degree from a school of social work accredited or approved by the Council on Social Work Education or another comparable body (The Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat., 1991, ch. 111, par. 6351 et seq.) [225 ILCS 20/1]);

A speech-language pathologist or audiologist with a certificate of Clinical Competence in Speech-Language Pathology or Audiology granted by the American Speech Language Hearing Association or comparable body or who has met the education requirements for licensure and is in the process of accumulating the supervised experience required for licensure (The Illinois Speech-Language Pathology and Audiology Practice Act (Ill. Rev. Stat., 1991, ch. 111, par. 7901 et seq.) [225 ILCS 110/1]);

A professional recreation staff person with a bachelor's degree in recreation or in a specialty area such as art, dance, music or physical therapy;

A professional dietician registered by the American Dietetics Association; or

A human services professional with a bachelor's degree in a human services field, including but not limited to, sociology, education, rehabilitation counseling or psychology.

"Respondent." The agency, person or division of the Department that made the decision being appealed.

"Service facilitation." The activities carried out to assist and enable eligible children and their families to receive the rights, procedural safeguards and services that have been chosen by the family and are authorized to be provided.

"Site." A discrete building that is owned, leased by, or loaned to a provider for the purpose of providing early intervention services.

"State Board of Education." The state agency responsible for setting policies and guidelines for public and private schools and appointing surrogate parents for children ages 0 to 21 and for acting as the lead state agency on early intervention.

"Third party." Any individual, institution, corporation, public or private agency which is or may be responsible (liable) for

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paying all or part of the costs of early intervention services provided to a child or family. One example is insurance.

"Transdisciplinary or interdisciplinary team." A group consisting of the parent or parent substitute, staff providing service facilitation, and representatives of disciplines and services necessary to identify the child's and family's needs and to design services and alternatives to meet them. At least one member of the team shall be an early intervention specialist. The process in which the team works together determines if the team is a transdisciplinary or interdisciplinary team.

"Transdisciplinary process." The process in which different disciplines work together with the parent or parent substitute to assess, plan and implement services by participating in mutual sharing of information and decision making. The process ensures the crossing of traditional disciplinary boundaries by role extension, exchange, release and support.

"Transition." A process designed to facilitate the movement from early intervention services or programs to appropriate early childhood programs that serve children 3-5 years of age or to other community service agencies.

"Utilization review." A process by which the provider regularly assesses, on a sample basis, the appropriateness of provider processes and outcomes related to services provided to children and their families.

SUBPART B: PROVIDER REQUIREMENTS

Section 121.35 General requirements

- a) Providers contracting with the Department to provide early intervention services under this Part shall comply with the following:

- 1) The provisions of the Abused and Neglected Children Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2051 et seq.) [325 ILCS 5/1];
- 2) At a minimum, directly provide screening, social history, assessment, IFSP development, review and modification, service facilitation and developmental services; and
- 3) Deliver services in center-based, in non-provider site locations, and/or in other locations where the children and families served are located. Emphasis shall be placed on

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providing services whenever possible in natural environments with children with no disabilities.

- b) The Department does not fund early intervention services that are provided in child care institutions, skilled nursing facilities for persons under age 22 or to patients in hospitals. If a child being served by a provider is hospitalized on a short-term basis, the provider may continue to provide early intervention services to the child. The provider also may provide such services to a child in a hospital in order to transition the child from hospital-based services to the community early intervention program.

- c) Providers shall comply with all requirements of 59 Ill. Adm. Code 103 (Grants).

- d) Providers shall communicate with children, their parents or parent substitutes, and families in a language or a method of communication that they understand, except in extraordinary circumstances.

- e) All center-based programs shall comply with day care center standards set forth by the Department of Children and Family Services at 89 Ill. Adm. Code 407.29 (b) for medications.

- f) The provider shall be a member of the local interagency coordinating council (local ICC) and have written agreements with other members of the local ICC. The provider shall develop service agreements with other relevant human service providers in the service area as necessary.

- g) If a child leaves a provider's early intervention program and enters another early intervention program, the former provider shall share the child's IFSP and results of assessments with the new provider, with the consent of the parent or parent substitute.

Section 121.40 Environmental management

- a) Providers who deliver direct services to the child and/or family in a provider site shall use site(s) meeting accessibility standards as contained in the Illinois Accessibility Code (71 Ill. Adm. Code 400) pursuant to the Environmental Barriers Act (Ill. Rev. Stat. 1991, ch. 111, par. 3711 et seq.) [410 ILCS 25/1] and as set forth in the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq., 1991).

- b) Providers who deliver direct services to the child and/or family in a provider site shall also comply with one of the following:

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- i) Develop and maintain written policies and procedures for the provision of housekeeping services at the site(s). Such policies can be part of an existing agency-wide policy process, provided any requirements specific to children are noted.
- ii) Develop and maintain a written external and internal emergency disaster plan, including a fire evacuation plan. Such a plan can be part of an existing agency-wide plan, provided any requirements specific to children are noted.
- iii) Designate space, equipment, and furnishings for the provision of services that shall be conducive to privacy, comfort and safety.
- 4) The Department shall not review for purposes of this Section providers which deliver early intervention services exclusively in locations other than provider sites. Such locations include, but are not limited to, the child's home, licensed home day care centers or other agreed on locations.
- c) All center-based programs shall comply with day care center standards set forth at 89 in Ill. Adm. Code 407.26 (g)(2) by the Department of Children and Family Services for minimum square footage requirements.

Section 121.45 Administrative requirements

- a) Each provider shall establish a mechanism to obtain input from parents of and advocates for children receiving early intervention services from the provider. The provider shall either establish an advisory committee that reports recommendations directly to the governing body or have consumer representatives on the governing body. If the advisory committee is the mechanism used, it shall include parents of and advocates for children receiving early intervention services from the provider.
- b) Each provider shall adhere to current Illinois statutes regarding conflict of interest and adopt a written policy concerning conflict of interest.
- c) Staff and volunteer training
 - 1) Staff training in principles and practices shall be provided to direct service and professional staff, and shall include but not be limited to, the following areas:

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- 1) Local code requirements for fire, building and sanitation, health and safety; or
- 2) School building code requirements for fire, building and sanitation, health and safety; or
- 3) Fire, building and sanitation, health and safety requirements as follows:
 - A) Fire
 - i) NFPA 10, - Standard for Portable Extinguishers, (National Fire Protection Association, 1984);
 - ii) NFPA 220, Standard Types of Building Construction, (National Fire Protection Association, 1985);
 - iii) NFPA 255, - Test of Surface Burning Characteristics of Building Materials (National Fire Protection Association, 1984);
 - iv) NFPA 258, Measuring Smoke Generated by Solid Material (Construction), (National Fire Protection Association, 1987);
 - v) Fire Resistance Index (Underwriters Laboratories, Inc., January 1987);
 - vi) Building Material Index (Underwriters Laboratories, Inc., January 1987); and
 - vii) The rules of the Office of the State Fire Marshal at 41 Ill. Adm. Code 100.
 - B) Building
 - i) The Illinois Plumbing License Law (Ill. Rev. Stat. 1991, ch. 111, par. 1101 et seq.) [225 ILCS 320/1];
 - ii) NFPA 70 - National Electrical Code (National Fire Protection Association, 1987); and
 - iii) The "Uniform" or "National Building Code" as adopted by the local or county ordinance.
 - C) Sanitation, health and safety

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- A) Cardiopulmonary resuscitation (CPR), Heimlich maneuver and first aid;
 - B) Proper handling and positioning of infants and toddlers;
 - C) Concepts on age and cultural appropriateness, normal/abnormal child development, and other developmental services depending on the needs of the child and family served or to be served;
 - D) Safety, fire, and disaster procedures including:
 - i) Use of fire-fighting equipment; and
 - ii) Familiarity with the disaster preparedness plan.
 - E) Responsibilities under the Abused and Neglected Child Reporting Act to report suspected abuse and neglect;
 - F) Prevention, handling and reporting of unusual incidents (e.g., injury of child, parent appearing at site who is under restraining order);
 - G) Individual rights according to Chapter 2 of the Code and maintaining confidentiality according to the Confidentiality Act;
 - H) The nature, structure and monitoring of the IFSP;
 - I) Infection control and sanitation;
 - J) Food preparation and handling for staff who prepare and serve food to children; and
 - K) The type, dosage, characteristics and side effects of medications prescribed for children receiving services.
- 2) The provider shall ensure that volunteers are trained appropriately prior to their working with children and families. For volunteers working directly with children, training shall include areas discussed in subsections (1)(A), (1)(B), (1)(C), (1)(D) and (1)(E) above and in other subsections as necessary.
- d) Child and family records

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- 1) The parent or parent substitute shall give informed consent to participate in the services specified in the individualized family service plan, that shall be documented in the child and family's record.
 - 2) The program shall ensure the confidentiality of the child and family's records according to the Confidentiality Act and shall ensure safekeeping of all records against theft, loss or destruction. Upon request, families which are currently receiving services shall have access within one day to the child and family's records and three days to obtain a copy. A family that has applied and been denied services shall also have access to the records.
 - 3) The program shall maintain a chronological record for each child and family which documents services and supports provided. A complete set of records shall be located at one site, designated by the program, which is accessible and convenient to staff and the parent or parent substitute contributing to the plan.
 - 4) Specific information shall be obtained, recorded and updated as necessary. The child and family's record shall be maintained with periodically updated background information to ensure a comprehensive view of the child's development.
 - 5) The child and family's record shall contain all prior service and assessment information during the period of service.
 - 6) The child and family's financial record shall include the financial status of the child and family at service initiation, with an annual update.
- e) Fiscal and statistical requirements
- 1) A provider shall not charge children and families who are at or below 185 percent of the federal poverty level, after all allowable deductions, for any early intervention services.
 - 2) For children and families who are above 185 percent of the federal poverty level, a provider shall comply with the following:
 - A) The provider shall establish a sliding fee scale for services based on the parent or parent substitute's ability to pay, after all allowable deductions. Consideration shall also be given to the additional

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costs normally associated with caring for a child with a disability.

B) A sliding fee scale shall be established for the following services:

- i) Developmental services;
- ii) Occupational therapy;
- iii) Physical therapy;
- iv) Psychological services;
- v) Speech therapy; and
- vi) Transportation.

C) The parent or parent substitute may elect to have his or her insurance billed for the cost of services in lieu of paying the fees directly.

D) Children and families shall not be charged for the following services:

- i) Screening;
- ii) Social history;
- iii) Assessment;

- iv) IFSP development, review and modification; and
- v) Service facilitation.

E) No one shall be denied services based on an inability to pay.

F) If the provider accepts the Medicaid reimbursement rate for a service, the provider cannot charge a child or family any additional amount. The Medicaid reimbursement rate for a service is derived pursuant to 59 Ill. Adm. Code 122.70.

3) A provider shall report services rendered under the early intervention program to the Department in the manner required by the Department. These reports shall include the following:

A) Each type of service provided to each child or family, including the date of service and the number of units provided.

B) The provider shall keep and make available such hard copy records and source documents associated with each submitted service report as necessary to disclose fully the nature and extent of services reported therein.

Section 121.50 Personnel requirements

a) Early intervention providers shall employ an early intervention program administrator whose minimum level of education or experience includes an undergraduate degree in child development, special education, or a related human service field with two or more years experience working with children with a developmental disability or children from birth to 5 years old.

b) The provider shall employ early intervention specialists and may employ early intervention aides. The provider shall ensure staff/child ratios do not exceed 1:4 for all group activities for children who are eligible and are served in the early intervention program (excluding siblings).

c) The provider shall employ, have a written contractual agreement with, or have a referral process in place so that a child may have access to the following professionals (whose qualifications shall meet State and federal guidelines) for purposes of assessment, planning and/or direct service:

- 1) Physician;
- 2) Registered nurse;
- 3) Social worker;
- 4) Psychologist;
- 5) Physical therapist;
- 6) Occupational therapist;
- 7) Speech-language pathologist;
- 8) Audiologist;
- 9) Vision specialist (ophthalmologist);

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- 10) Early childhood education teacher/child development specialist; and
- 11) Nutritionist/dietitian.

Section 121.55 Recordkeeping

a) The individual records required to be maintained must be kept for a period of not less than five years from the date of service, except that if an audit is initiated within the required retention period the records must be retained until the audit is completed and every exception resolved. This provision is not to be construed as a statute of limitations.

b) The compilation and storage of and access to child and family records shall be governed by written policies and procedures, according to the Confidentiality Act, that shall specify:

- 1) Access to child and family records shall be limited to persons authorized by the Confidentiality Act, including the family;
- 2) All entries in the child and family record shall be current, legible, dated and signed by the author;
- 3) Facilities for the handling, processing and storage of child and family records shall be secured from theft, loss, or fire and access limited to personnel authorized by the provider; and
- 4) Child and family data maintained on magnetic tapes, computer files, or other automated information systems shall be secure from theft, loss, or fire.

c) The child and family's clinical record shall contain, but is not limited to, the following:

- 1) Identifying information including name, Medicaid recipient identification number, address and telephone number, sex, date of birth, primary language or method of communication, emergency contact or parent or parent substitute, date of initial contact and initiation of early intervention services, third party coverage and source of referral;
- 2) Documentation of consent for early intervention services;
- 3) Assessment and reassessment reports;

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4) A current individualized family services plan (IFSP), progress notes and reviews, and documentation of the relationship of the service(s) to the IFSP goal and child and family progress.

5) Documentation of known child and family movement (referral/transfer) during any active service period to or from the provider's programs or to or from other providers;

d) Hard copy and source documentation to support each service rendered that includes:

- 1) The specific service(s) rendered;
- 2) The date the service(s) were rendered; and
- 3) Who rendered the service(s).

e) Periodic reviews describing the child's overall progress;

f) Rationale for provision of services beyond utilization guidelines specified in Section 121.60 Appendix A;

g) A record of complaints filed by the family, including the nature of the complaint, date of complaint, and a statement regarding the resolution of the complaint;

h) A record of the child's major accidents or incidents that occur at the site with regard to a specific child resulting in an adverse change in the child's physical and/or mental functioning; and

i) Discharge summary documenting the outcome of interventions and, as necessary, the linkages for continued services.

Section 121.60 Program evaluation

The provider must document that it has and uses a program evaluation system for the purpose of determining the degree to which a program is meeting its goals and objectives.

a) This system shall monitor quantitative characteristics such as caseload information and qualitative characteristics such as family satisfaction with services and the family's perspectives regarding service strengths and needs.

b) The evaluation system shall include mechanisms for producing evaluation reports for internal use that describes the outcome of monitoring activities.

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- c) These reports shall serve to interpret and summarize data into useful information and to provide recommendations for remediative action when necessary.
- d) The program evaluation system can be part of an existing agency-wide system, provided it is applied to the early intervention program.
- Section 121.65 Utilization review
- a) There shall be a written utilization review plan and ongoing activities designed to assess the appropriateness of the admission to early intervention services, intensity/level of services, and continued services. The written utilization review plan shall address:

- 1) The methods and procedures for performing and recording individual case reviews;
- 2) The review protocol to be used;
- 3) The authority and functions of the staff designated to do the individual case reviews. The designated staff may be:
 - A) A committee that is representative of the staff providing the services. The committee must include at least one early intervention specialist and may include early intervention aides; or
 - B) An early intervention specialist.
- 4) Procedures describing the method for selecting cases for quarterly case review and the procedures for reviewing at least 10 percent of the children and families served under this Part annually;
- 5) Procedures to ensure that the review includes and summarizes the child's progress over the previous 90 calendar days;
- 6) Policies and procedures for documenting and reporting individual case review findings, determinations and recommendations to the supervising early intervention specialist and, if applicable, the reporting department;
- 7) Procedures for appeal by families and staff affected by the utilization review decisions with which they disagree;

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- 8) Provisions for ensuring confidentiality of individual case reviews, determinations, results, and/or recommendations according to the Confidentiality Act;
- 9) Procedures for following up on case review recommendations; and
- 10) Procedures to ensure that the final written approval and authorization for continuing treatment beyond established service utilization parameters is provided only by the signature of the reviewing early intervention specialist.
- b) In no instance shall staff performing utilization reviews be allowed to conduct such reviews on individuals who are in their own caseload.

SUBPART C: OPERATIONAL PROCEDURES AND SERVICES

Section 121.70 Timeframe for completion of process

When capacity is available in the program as described in Section 121.75 (e), a provider shall complete the processes outlined in Sections 121.75, 121.80, 121.85 and 121.90 for the minimum services specified in Section 121.35 (a)(3) within 45 days after the date of the referral for early intervention services or after the date of notification to the parent or parent substitute of the availability of capacity.

Section 121.75 Screening and social history

- a) Providers shall establish a written system of screening that incorporates the use of formal and informal methods to determine the child's need for further assessment. This process shall include at least the following:
- 1) Screening with a reliable tool for children that is appropriate based on age and disability;
 - 2) Review of pertinent information available at the time of screening;
 - 3) Interview with the parent or parent substitute, and when possible, with other family member(s); and
 - 4) Observation of the child.
- b) If a child is referred by a physician who has diagnosed the child as having a developmental disability, developmental delay or high probability of developmental delay, a screening is not necessary.

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The provider shall proceed with the social history process for the child as specified in subsection (f) below.

- c) If the screening indicates that the child does not need further assessment, the provider shall inform the parent or parent substitute at the time of screening. The provider shall also inform the parent or parent substitute that this finding does not preclude the child from being screened again in the future.
- d) If the screening indicates that the child needs further assessment and there is no space available in the program, the provider shall inform the parent or parent substitute at the time of screening. A letter shall be sent to the parent or parent substitute and shall include a statement that as vacancies in the program become available the provider will contact the parent or parent substitute in order to schedule assessments. The letter shall also provide a listing of other early intervention providers in the geographic area and their addresses.
- e) If the screening determines that the child needs further assessment and there is space available in the program, the provider shall proceed with the social history process for the child as specified in subsection (f) below.
- f) The social history process shall consist of:
 - 1) Intake components, including but not limited to the following:
 - A) Identification data (child's name, date of birth, sex, race, legal residence, parent or parent substitute's name, child's social security number and residence);
 - B) Medical records and relevant information from other agencies where the child received services;
 - C) Orientation procedures for the parent or parent substitute, including an explanation of all rights specified in Section 121.25 and of the IFSP process. These procedures shall use the language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances;
 - D) Reason for referral (if applicable);
 - E) Source of referral (if applicable);
 - F) Medical diagnosis (when available);

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- G) Parent or parent substitute's concerns; and
 - H) Information on income and possible sources of payment for services, including Medicaid and/or insurance.
- 2) Social history document, including but not limited to the following:
- A) Personal and family history;
 - B) Present level of the child's functioning in the family, living situation; and
 - C) The need for social services to meet the needs of the child and family.

Section 121.80 Assessment

- a) After completion of the social history process specified in Section 121.75 (f), an assessment of each child shall be conducted by personnel trained to use appropriate methods and procedures. Local community providers shall use a transdisciplinary or interdisciplinary team approach to conduct and/or obtain an assessment of the developmental appropriateness through reviewing pertinent records related to the child's current health status. Assessments shall be performed to determine the child's functioning in the areas specified in Section 121.100 (a). Assessments shall be administered by the appropriate professionals. If an assessment being used is not described in the Supplement to the Tenth Mental Measurements Yearbook (Jane Close Conoley and Jack J. Kramer, ed., University of Nebraska Press, 1990) or previous editions of this publication, the provider must assure the assessment is standardized, valid and reliable.
- b) Responsibility for the assessment shall be assumed by an early intervention specialist who has had, at a minimum, one face-to-face contact with the child and his or her parent or parent substitute during which the parent or parent substitute was given the opportunity to provide pertinent information.
- c) Assessments shall be performed for the child at least annually, and more often if determined necessary by the transdisciplinary or interdisciplinary team as a result of the child's changing needs.

Section 121.85 Eligibility, notice requirements and time frames for compliance

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set forth in subsection (b) above may continue to receive early intervention services until the child is 36 months old.

- 3) A child in an early intervention program on the effective date of this Part who is age 36 months or older may continue to receive early intervention services until the child is transitioned to education or other community services according to Section 121.115.

Section 121.90 Individualized family service plan (IFSP) development and modification

- a) An initial IFSP shall be developed by the transdisciplinary or interdisciplinary team. The IFSP shall be based on: family concerns, resources, and priorities; and the assessment results.
- b) The IFSP shall be developed jointly by the child's parent or parent substitute and other members of the transdisciplinary or interdisciplinary team. The IFSP shall be signed and dated by the parent or parent substitute and the early intervention specialist involved in the formulation of the IFSP. A copy of the signed and dated IFSP shall be given to the child's parent or parent substitute and incorporated into the child's clinical record. If the parent or parent substitute is unable to read, the IFSP shall be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances.

c) The IFSP meetings shall be conducted in settings and at times that are convenient to the parent or parent substitute.

d) The IFSP shall include a child and family component that shall provide the following:

- 1) A statement of the child's present levels of cognitive, physical (including vision and hearing), communication (including receptive and expressive language skills) and social and emotional development and adaptive skills based on acceptable objective criteria;
- 2) Any need for further assessment;
- 3) Statement of outcomes expected for both the child and family;
- 4) Statement of specific early intervention services, service location, frequency and duration appropriate to enhance the

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- a) Families of children aged birth to 36 months old with a developmental disability, developmental delay or high probability of developmental delay may apply for Early Intervention services at a local early intervention provider funded through the Department.

b) Providers must use one of the following eligibility criteria to categorize the child's developmental condition:

- 1) Developmental disability as defined in Section 121.30.
- 2) Developmental delay as defined in Section 121.30.
- 3) High probability of developmental delay as defined in Section 121.30.

c) If the child is determined eligible for services, the provider shall provide written notification to the parent or parent substitute and shall contact the parent or parent substitute to determine a time to develop the IFSP. If the parent or parent substitute is unable to read, the information shall be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances. The child's service eligibility will be based on the child meeting either subsection (b)(1), (2) or (3) above and adequate capacity to provide services.

d) If the child is determined ineligible for services a letter shall be sent to the parent or parent substitute stating the reason(s) the child is ineligible for services. The letter shall also include the name of the person to contact or the process to begin the appeal process. The appeal of service denial may be made as described in Subpart D of this Part. If the parent or parent substitute is unable to read, the information shall be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances.

e) The following are the timeframes for complying with eligibility and age requirements for children served under this Part:

- 1) Any child admitted to an early intervention program on or after the effective date of this Part must meet the eligibility criteria set forth in subsections (a) and (b) above.
- 2) A child in an early intervention program on the effective date of this Part who does not meet the eligibility criteria

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development of the child and the capacity of the family to meet the special needs of the child and meet the resource needs of the family;

- 5) Statement of other services (non-early intervention) needed by the child or family and provision for referral to these services;
- 6) Identification and coordination of other resources in the community that are needed to meet the program goals and objectives of the IFSP;
- 7) A description of the parent or parent substitute's role in the intervention process, the parent or parent substitute's expectations for the child and the concerns, resources and priorities of the family related to the development of the child;
- 8) Intervention dates including starting dates, expected duration, criteria for completion and completion dates;
- 9) Service dates, including referral, assessment and enrollment dates;
- 10) Provisions for an update of the child's plan for services, goals and progress toward goals at least every six months;
- 11) The name(s) of the staff providing service facilitation for implementation of the plan and coordination with other agencies and persons;
- 12) The steps to be taken supporting the transition of the child over 30 months old to educational services and other available appropriate services.
- e) Responsibility for coordinating development of the IFSP shall be assumed by an early intervention specialist as documented by his or her signature on the IFSP.

f) If a parent or parent substitute does not agree with any portion of the IFSP, including any recommendations to modify or reduce services, only those portions that the parent or parent substitute agrees with shall be implemented until a resolution can be reached. The transdisciplinary or interdisciplinary team shall meet again to discuss the areas of disagreement. If the parent or parent substitute wishes, he or she can request a different person within the agency to provide service facilitation. The parent or parent substitute can also contact the local coordinating advocacy

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provider or Department grant-funded case coordination to request assistance in resolving the disagreement.

g) If multiple providers are involved in providing services, the following shall be required:

- 1) One IFSP shall be developed by a team of persons, including the parent or parent substitute, who are responsible for providing the respective services; and

- 2) Results of assessments of a child shall be shared across providers, with the consent of the parent or parent substitute.

h) At least on an annual basis, the IFSP shall be reevaluated jointly by the parent or parent substitute and other members of the transdisciplinary or interdisciplinary team to determine whether additional assessments or modifications are necessary.

Section 121.95 Transdisciplinary or interdisciplinary team

a) The provider shall assure that each child and family has a single transdisciplinary or interdisciplinary team which shall be responsible for preparing, revising, documenting and implementing the IFSP in accordance with Section 121.90.

b) The transdisciplinary or interdisciplinary team shall consist of:

- 1) The parent or parent substitute, who shall be encouraged to assume as much leadership in designing the plan as he or she wishes;
- 2) The staff providing service facilitation who has been agreed on by the family;
- 3) The persons who work most directly with the child and family both at the program and at the child and family's home; and
- 4) The professionals who assess the child's strengths and needs and the family's concerns, resources and priorities related to the child's development, and design and evaluate the child and family's IFSP.

c) At least one member of the transdisciplinary or interdisciplinary team shall be an early intervention specialist who shall provide those services specified in Section 121.100 and shall be responsible for conducting the transdisciplinary or interdisciplinary team.

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Developmental services shall be designed to create or incorporate learning environments and activities that promote the child's maximum functioning in a variety of developmental areas, including cognitive processes and communication skills. Services provided to families will include the provision of: parent education and training identified as needed in the IFSP; and direct child intervention in all areas to promote growth and build skills in all activities to enhance the child's development.

- 2) Minimum level of provider: Early intervention specialist or early intervention aide

c) Individualized family service plan (IFSP)

1) Description

The IFSP shall be developed and monitored in accordance with Section 121.90 and shall:

- A) Describe the early intervention service needs of the child and family;
- B) Describe the early intervention services to be provided;
- C) Contain a statement related to the goals, objectives, and expected outcome(s) for both the child and family from the early intervention service(s) to be provided;
- D) Indicate the person responsible for coordinating development and carrying out the IFSP; and
- E) Indicate the person providing service facilitation.

2) Minimum level of provider: Early intervention specialist

d) Occupational therapy

1) Description

This service consists of an evaluation and services to address the functional needs of a child related to the performance of adaptive behavior and play, and sensory, motor, and postural development. These services are designed to improve the child's functional ability to perform tasks at home and include:

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Section 121.100 Early intervention services

a) Assessment

1) Description

An assessment of the child to determine if, and to what extent, the child has a developmental disability, developmental delay or high probability of developmental delay through evaluation of present level of development and needs, impediments to further development and cause of disability; and recognition of services needed to enable the child to develop to the maximum level of independent functioning. The assessment package will include, at a minimum, the assessment and written report of the following:

- A) Cognitive functioning;
- B) Legal status;
- C) Developmental status;
- D) Functional limitations (vision, speech, hearing, seizures, health medications, and mobility);
- E) Adaptive behavior (motor skills, social or emotional skills, communication, receptive and expressive language skills, personal living skills, and community living skills);
- F) Social and leisure activity;
- G) The need for psychological services, physical therapy, occupational therapy, speech therapy, developmental services, and hearing and vision services to meet the needs of the child and family;
- H) Physical development; and
- I) Unique needs.

2) Minimum level of provider: Early intervention specialist

b) Developmental services

1) Description

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- A) Identification, assessment and intervention;
- B) Adaptation of the environment, and selection, design and fabrication of assistive and orthotic devices to facilitate development and promote the acquisition of functional skills;
- C) Prevention or minimization of the impact of initial or future impairment, delay in development, or loss of functional ability.
- D) Consultation with the family related to the needs of the child.

- 2) Minimum level of provider: An occupational therapist, or an occupational therapist assistant under the supervision of an occupational therapist, who shall be licensed pursuant to, and provide services allowed under, the Illinois Occupational Therapy Practice Act.

e) Physical therapy

- 1) Description

This service consists of the following:

- A) Administration, interpretation and evaluation of tests and measurements of bodily functions and structures;
- B) The planning, evaluation and modification of treatment and instruction, including the use of physical measures, activities, and devices, for preventive and therapeutic purposes; and
- C) The provision of consultative and other advisory services to reduce the incidence and severity of physical disability, movement dysfunction and related functional problems. (Taken from the definition of physical therapy adopted by the American Physical Therapy Association, March 1986)

- 2) Minimum level of provider: A physical therapist, or physical therapist assistant under the supervision of a physical therapist, who shall be licensed pursuant to and provide services allowed under the Illinois Physical Therapy Act.

f) Psychological services

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- 1) Description

Psychological services consists of intelligence testing, diagnosis, counseling for the child and/or family, evaluation, consultation, therapy, program development, assistance with transition, and training of staff in such areas as child development and family dynamics.

- 2) Minimum level of provider: All services except for therapy must be provided by an individual with experience working with children from birth to 5 years old who is either licensed pursuant to the Clinical Psychologist Licensing Act or is a certified school psychologist (Ill. Rev. Stat. 1991, ch. 122, par. 14-1.09) [105 ILCS 5/14-1.09]. Therapy must be provided by an individual with experience working with children from birth to 5 years old who is licensed pursuant to the Clinical Psychologist Licensing Act.

g) Screening services

- 1) Description

A systematic screening process that includes the use of formal and informal methods to determine the child's eligibility for services or the need for further assessment. These methods shall include the following:

- A) Screening with a reliable tool for children that is appropriate to the age and disability of the child as specified in Section 121.75 (a)(1);
- B) Review of pertinent information available at the time of screening;
- C) Interviews with the parent or parent substitute and, when possible, with other family member(s); and
- D) Observation of the child.

- 2) Minimum level of provider: Early intervention specialist

h) Service facilitation

- 1) Description

Service facilitation ensures accessibility, availability, continuity of care, accountability, and comprehensiveness of services to maximize the potential of families and children

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with a developmental disability, developmental delay or high probability of developmental delay. These services include:

- A) Linkage to, coordination of and referral to needed social, medical, support, family counseling and training, and other services as identified in the IFSP;
 - B) Monitoring to ensure the delivery of appropriate services to the child and family;
 - C) Advocacy to assist the child in obtaining all services to which he or she is entitled;
 - D) Assisting the parent or parent substitute in applying for Medicaid (42 U.S.C.A. 1396 et seq., 1991), Supplemental Security Income (42 U.S.C.A. 1381 et seq., 1991) and other benefits as appropriate; and
 - E) Assisting with the procurement of a transportation provider and scheduling and arranging transportation to and from the source of services.
- 2) Minimum level of provider: Early intervention specialist or early intervention aide

i) Social history

1) Description

- A) A document that summarizes background information on the child and family. The social history shall include, at a minimum, the following:
 - i) Personal and family history;
 - ii) Present level of the child's functioning in the family, living situation;
 - iii) The need for social services to meet the needs of the child and family; and
 - iv) The intake process described in Section 121.75 (f)(1).

- 2) Minimum level of provider: Early intervention specialist or early intervention aide

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j) Speech therapy

1) Description

Speech therapy consists of an evaluation, direct family counseling, consultation with appropriate professionals for speech improvement and speech education activities, use of augmented communication systems, oral motor skill development, and collaboration with appropriate professionals to develop specialized programs for developing skills of children in receptive (for example, speech, auditory training, and hearing aid utilization) as well as expressive (for example, improvement in articulation, voice, rhythm, and language) communication.

- 2) Minimum level of provider: Must either be licensed under the Illinois Speech-Language Pathology and Audiology Practice Act or be certified by the State Board of Education (Ill. Rev. Stat. 1991, ch. 122, par. 21-1 et seq.) [105 ILCS 5/21-1] to provide the above services.

k) Transportation

Transportation services are provided to and from the source of services, using the least expensive means adequate to meet the needs of the individual. Transportation services may include assistance with public transportation, taxi cab assistance and payment, and other means of transportation.

Section 121.105 Discharge

a) Discharge may occur when:

- 1) The parent or parent substitute has notified the provider that he or she wishes the child to stop participating in the program;
 - 2) The child has moved out of the provider's service area;
 - 3) The child has moved and cannot be located;
 - 4) The child has attained exit criteria in accordance with Section 121.110;
 - 5) The child has died.
- b) The provider shall comply with requirements specified in Sections 121.55 and 121.115.

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- c) Lack of capacity in the early intervention program shall not be a reason to discharge a child.
- d) On discharge, the provider shall document in the child's record the date and reason for the discharge.
- e) Prior to discharge pursuant to subsection (a)(4), the transdisciplinary or interdisciplinary team shall meet to discuss the possibility of discharge. If the parent or parent substitute does not agree that the child no longer meets the criteria for developmental delay, or if the transition process has not occurred in accordance with Section 121.115, the parent or parent substitute shall be informed of his or her right to appeal the provider's decision to discharge in accordance with Section 121.25 (e) and Subpart D of this Part. If the parent or parent substitute is unable to read, the information shall also be read and explained in a language or method of communication that the parent or parent substitute understands, except in extraordinary circumstances.
- f) The provider shall not discharge a child from the early intervention program without at least a 10 calendar day notice to the parent or parent substitute.
- g) Discharge from a program does not prevent a parent or parent substitute from reapplying for early intervention services unless the discharge is due to the reasons specified in subsections (a) (4) and (a) (5) above.

Section 121.110 Exit criteria

Providers shall discharge the child from participation in Department-funded early intervention services as described in this Part on the child's third chronological birthday or if the child no longer meets the criteria for a developmental delay.

Section 121.115 Transition process

- a) The provider shall have a systematic process in place to transition children served in its early intervention program to other services, regardless of whether such services are to be provided by the local educational agency or by other community service agencies. The process established for transitioning the child to education or other community services shall commence no later than 30 months of age. Subsections (b) and (c) below apply if the child is transitioning to educational services. Subsection (c) below applies if the child is transitioning to other community services.

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- b) The transition process shall be written for each child and shall include at a minimum the following activities:
 - 1) A meeting with the child's parent or parent substitute to explain the transition process and the steps outlined below.
 - 2) An interagency staffing conducted prior to discharge, with, at a minimum, participation of the child's parent or parent substitute and early intervention staff. The local educational agency (LEA) shall be asked to participate. However, the staffing shall not be delayed if efforts to access the LEA's participation are unsuccessful.
 - 3) A written discharge report including the child's strengths and needs, environments in which learning occurs, current goals and objectives, and an overall progress summary from the early intervention program with recommendations for future programming. It shall also specify the following:
 - A) Any findings based on a standardized, valid and reliable assessment tool; and
 - B) Those services recommended for the child by the local educational agency.
 - 4) Written notification to the parent or parent substitute of his or her rights, under Part B of the Individuals with Disabilities Education Act prior to discharge.
 - 5) Training for the parent or parent substitute in how to advocate for his or her child.
 - 6) Referral to the local coordinating/advocacy provider or other advocacy agency, including Department grant-funded case coordination.
- c) The provider shall ensure the continuity and coordination of services as provided in the child's IFSP. The provider shall:
 - 1) Communicate relevant treatment and service information prior to or at the time that the child is transferred to a receiving program of the provider, or is discharged from service and referred to a program operated by another service provider, if the parent or parent substitute provides written authorization; and

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2) Document in the child's record the referrals to other human service providers and follow-up efforts to link the child to services.

d) If the parent or parent substitute does not wish for the child to be transitioned to education or other community services, the provider shall document that in the child and family's record.

SUBPART D: HEARINGS AND APPEALS

Section 121.120 Representation

An appellant may be represented during the hearing and appeals process by the person of his or her choice, including an attorney. The appellant may also represent himself or herself. The appellant shall not be charged for initiating the hearings and appeals process. If the appellant chooses to be represented by an attorney, the Department shall not pay the costs incurred for such representation.

Section 121.125 Notice

a) On receiving a request to appeal a provider's decision to deny, modify, reduce or discharge from services, the Department shall send the appellant a notice that shall contain:

- 1) A statement of the right to a hearing;
- 2) A statement that if the parent or parent substitute desires a hearing, he or she must request a hearing in writing within 10 days of the date of receipt of the notice.
- 3) The address where the request should be sent.

b) The notice of a hearing shall contain:

- 1) A statement of the nature of the hearing;
- 2) A statement of the time and place of the hearing or if a pre-hearing conference is scheduled by the Department, the time and place of the conference;
- 3) A reference to the particular Sections of this Part involved.
- c) All notices under this Section shall be served either personally or by certified mail on the appellant or his or her agent authorized to receive service of process. The notice shall be in the language that the appellant understands, except in

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extraordinary circumstances. If it is known that the appellant cannot read, then the notice shall be explained to the appellant verbally.

Section 121.130 Pre-hearing conference

a) A pre-hearing conference may be scheduled by the hearing officer at his or her discretion or at the request of the appellant pursuant to subsection (b) of this Section. This conference shall be held prior to the hearing and shall be for the purpose of considering:

- 1) The clarification of the issues;
- 2) The possibility of obtaining admissions of fact and documents that would avoid unnecessary proof or testimony;
- 3) The possibility of a resolution of the case without a hearing; and
- 4) Any other matters that may aid in the disposition of the appeal.

b) In any proceeding under this Part in which the hearing officer has not scheduled a pre-hearing conference, the appellant or the Department may request the scheduling of a pre-hearing conference. Such request shall be made in writing and received by the hearing officer at least 72 hours prior to the scheduled date of the hearing. On receipt of the request, the hearing officer shall schedule a hearing and notify appellant and respondent of the date, time and place of the conference.

c) If the pre-hearing conference results in a resolution of the appeal by agreement of the parties, the hearing officer shall issue an order reciting the agreement and dismissing the appeal.

Section 121.135 Conduct of hearings

a) All hearings shall be open to the public, unless the hearing officer determines that personally identifiable information concerning a recipient of developmental disabilities services, as defined by the Code, would be presented at the hearing without the recipient's consent and such information is necessary to the resolution of the hearing.

b) The hearing officer shall regulate the course of the hearing, hold informal conference for the settlement or definition of the issues, dispose of procedural requests, continue the hearing from

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time to time when necessary, examine witness, and rule upon the relevancy of evidence.

- c) At the hearing, both parties may present written and oral evidence. The respondent shall have the burden of proving that there was substantial evidence to support its decision. Substantial evidence is such evidence as a reasonable person can accept as adequate to support a conclusion. Upon the conclusion of the respondent's presentation, the appellant may present written and oral evidence. Written opening or closing arguments, legal memorandum, trial briefs or similar documents shall not be permitted unless the parties so stipulate. This shall not prohibit the hearing officer, sua sponte, from requesting that certain issues be briefed by the parties.

- d) The hearing officer shall conduct the hearing in a manner that ensures both parties are allowed to present their evidence and arguments fully and freely. Any party or representative may ask questions of any other party or witness, and the hearing officer may ask questions of any party or witness. Questions impeaching the witness's character or credentials shall be improper.

Section 121.140 Hearing officer's decision

Within 10 days after the hearing, the hearing officer shall issue his or her written decision, unless he or she has requested briefs from the parties. In no event shall the decision be issued more than 30 days after the Department received the request for a hearing. The decision shall contain findings of facts, conclusions and the method of appealing the decision. Copies of the decision shall be mailed to both parties.

Section 121.145 Appeal to the Director

- a) Either party may request a review of the hearing officer's decision by the Director or his or her designee no more than 20 days after the receipt of the decision.
- b) Upon receipt of the request for review, the Director or his or her designee shall review the hearing officer's decision and copies of all documents considered at the hearing. Within 15 days of receipt of the request for review, the Director or his or her designee shall issue a written decision upholding or reversing the hearing officer's decision. The Director or his or her designee shall uphold the decision if he or she determines that the hearing decision is supported by substantial evidence. Copies of the decision shall be sent to both parties and the hearing officer.

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- c) The Director or his or her designee's decision shall constitute a final administrative decision.

- d) Final administrative decisions shall be subject to judicial review exclusively as provided in the Administrative Review Law (Ill. Rev. Stat. 1991), ch. 110, par. 3-101 et seq.) [735 ILCS 5/3-101].

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Aid to Families With Dependent Children

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: Adopted Action:

112.153 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13)[305 ILCS 5/4-1 et seq. and 5/12-13]

5) Effective Date of Amendments: March 25, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 25, 1993

9) Notice of Proposal Published in Illinois Register:

December 4, 1992 (16 Ill. Reg. 18216)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: No changes were made to the text of the amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.127	Amendment	December 18, 1992 (16 Ill. Reg. 19642)
112.250	Amendment	January 4, 1993 (17 Ill. Reg. 46)
112.252	Amendment	January 4, 1993 (17 Ill. Reg. 46)
112.253	Amendment	January 4, 1993 (17 Ill. Reg. 46)
112.254	Amendment	January 4, 1993 (17 Ill. Reg. 46)

15) Summary and Purpose of Amendments: This rule change is being made to conform agency policy to federal regulations dated July 8, 1992. Nonexempt property is to be deferred for six consecutive months when the

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Section 121. APPENDIX A Utilization Guidelines

SERVICE	PER CHILD AND FAMILY	
	MINIMUM REPORTABLE UNIT	GUIDELINE FOR YEAR+ GUIDELINE FOR DAY+
Assessment	15 min.	2 hours 12 hours
Developmental services	30 min.	4 hours 200 hours
Individualized family services plan (IFSP)	15 min.	4 hours 16 hours
Occupational therapy	15 min.	
*Provision of services	No time limit	
*Evaluation		
Physical therapy	15 min.	
*Provision of services	No time limit	
*Evaluation		
Psychological services/evaluation	15 min.	4 hours 50 hours
Provision of services		
Screening services	No time limit	
*Screening instrument	15 min.	2 hours 6 hours
Other screening services		
Service facilitation	15 min.	4 hours 28 hours
Social history	15 min.	2 hours 4 hours
Speech therapy	15 min.	
*Provision of services	No time limit	
*Evaluation		
*Transportation		

* These amounts are guidelines. A child and family may exceed these amounts if additional time is determined to be necessary per the IFSP process.

* These services shall be billed directly to DPA for Medicaid-eligible individuals.

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family makes a good faith effort to sell the property and agrees to repay the assistance received when the property is sold.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
112.1	Incorporation By Reference
112.5	

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Lack of Parental Support or Care
112.61	Death of a Parent
112.62	Incapacity of a Parent
112.63	Continued Absence of a Parent
112.64	Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section	
112.70	Participation Requirements For Project Chance
112.71	Individuals Exempt From Project Chance
112.72	Project Chance Participation/Cooperation Requirements
112.73	Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74	Project Chance Initial Assessment Process/Development of an Employability Plan
112.76	Project Chance Orientation
112.77	Conciliation and Fair Hearings
112.78	Project Chance Components
112.79	Project Chance Sanctions
112.80	Good Cause for Failure to Comply With Project Chance Participation Requirements
112.81	Responsible Relative Eligibility For Project Chance

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112.82	Project Chance Supportive Services
112.83	Young Parents Program
112.84	Work Experience Evaluation Project
112.85	Four Year College/Vocational Training Demonstration Project
SUBPART E: PROJECT ADVANCE	
Section	
112.86	Project Advance
112.87	Project Advance Experimental and Control Groups
112.88	Project Advance Participation Requirements of Experimental Group
112.89	Project Advance Cooperative Requirements of Experimental Group
	Members and Adjudicated Fathers
112.90	Project Advance Sanctions
112.91	Good Cause for Failure to Comply with Project Advance
112.93	Individuals Exempt From Project Advance
112.95	Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section	Exchange Program
112.98	
SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY	

Section	Unearned Income
112.100	Unearned Income of Stepparent or Parent
112.101	Budgeting Unearned Income
112.105	Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.106	Initial Receipt of Unearned Income
112.107	Termination of Unearned Income
112.108	Exempt Unearned Income
112.110	Education Benefits
112.115	Incentive Allowances
112.120	Unearned Income In-Kind
112.125	Earnmarked Income
112.126	Lump Sum Payments
112.127	Protected Income
112.128	Earned Income
112.130	Earned Income Tax Credit
112.131	Budgeting Earned Income
112.132	Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.133	Initial Employment
112.134	Budgeting Earned Income For Contractual Employees
112.135	

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112.136	Budgeting Earned Income For Non-Contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income From Work/Study/Training Program
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers (Repealed)
112.155	AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section	Grant Levels
112.250	Payment Levels in AFDC
112.251	Payment Levels in AFDC Group I Counties
112.252	Payment Levels in AFDC Group II Counties
112.253	Payment Levels in AFDC Group III Counties
112.254	

SUBPART I: OTHER PROVISIONS

Section	Persons Who May Be Included in the Assistance Unit
112.300	Presumptive Eligibility
112.301	Monthly Reporting
112.303	Retrospective Budgeting
112.304	Budgeting Schedule
112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Aliens
112.308	Special Needs Authorizations
112.309	Institutional Status
112.315	Young Parent Program (Renumbered)
112.320	Redetermination of Eligibility
112.330	Extension of Medical Assistance Due to Increased Income from Employment

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112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

SUBPART J: CHILD CARE

Section
 112.350 Child Care
 112.352 Child Care Eligibility
 112.354 Qualified Provider
 112.356 Notification of Available Services
 112.358 Participant Rights and Responsibilities
 112.362 Additional Service to Secure or Maintain Child Care Arrangements
 112.364 Rates of Payment for Child Care
 112.366 Method of Providing Child Care

SUBPART K: TRANSITIONAL CHILD CARE

Section
 112.400 Transitional Child Care Eligibility
 112.404 Duration of Eligibility for Transitional Child Care
 112.406 Loss of Eligibility for Transitional Child Care
 112.408 Qualified Child Care Providers
 112.410 Notification of Available Services
 112.412 Participant Rights and Responsibilities
 112.414 Child Care Overpayments and Recoveries
 112.416 Fees for Service for Transitional Child Care
 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13)[305 ILCS 5/4-1 et seq. and 5/12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3

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Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill.

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Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894, peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 1028, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 12, 1986; amended at 11 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844,

effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUPPARTS C, D and E recodified to SUPPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; for a maximum of 150 days; amended at 16 Ill. Reg. 11652, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13629, effective September 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.153 Deferral of Consideration of Assets

Non-exempt real property is to be deferred for six consecutive months provided

Section 112.153 (continued)

the family makes a good faith effort to sell the property and agrees to use the proceeds to repay the amount of assistance received during such period that would not have been paid had the property been sold at the beginning of the period. the Department the AFDC benefits received for the period covered by the AFDC payments any remaining proceeds are considered against the asset standard.

(Source: Amended at 17 Ill. Reg. 4312, effective March 25, 1993)

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
 - 2) Code Citation: 89 Ill. Adm. Code 113
 - 3) Section Numbers:
113.425 Amendment
113.430 Amendment
Adopted Action:
 - 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13) [305 ILCS 5/3-1 et seq. and 5/12-13]
 - 5) Effective Date of Amendments: March 22, 1993
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Do these Amendments contain incorporations by reference? No
 - 8) Date Filed in Agency's Principal Office: March 22, 1993
 - 9) Notice of Proposal Published in Illinois Register:
November 6, 1992 (17 Ill. Reg. 17047)
 - 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
 - 11) Differences between proposal and final version: No substantive changes were made to the text of the amendments.
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
 - 13) Will these Amendments replace Emergency Amendments currently in effect?
Yes
 - 14) Are there any Amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|--|
| 113.253 | Amendment | January 22, 1993 (17 Ill. Reg. 702) |
| 113.260 | Amendment | January 22, 1993 (17 Ill. Reg. 702) |
| 113.309 | New Section | November 20, 1992 (16 Ill. Reg. 17457) |
| 113.450 | New Section | November 20, 1992 (16 Ill. Reg. 17457) |
- 15) Summary and Purpose of Amendments: These proposed amendments, which are being adopted on an emergency basis effective November 1, 1992, reduce the Interim Assistance payment levels and special needs amounts by 6.8%. The

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program Incorporation By Reference
113.1	
113.5	

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.9	Client Cooperation
113.10	Citizenship
113.20	Residence
113.30	Age
113.40	Blind
113.50	Disabled
113.60	Living Arrangement
113.70	Institutional Status
113.80	Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.100	Unearned Income
113.101	Budgeting Unearned Income
113.102	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103	Initial Receipt of Unearned Income
113.104	Termination of Unearned Income
113.105	Unearned Income In-Kind
113.106	Earmarked Income
113.107	Lump Sum Payments and Income Tax Refunds
113.108	Protected Income (Repealed)
113.109	Earned Income (Repealed)
113.110	Budgeting Earned Income (Repealed)
113.111	Protected Income
113.112	Earned Income
113.113	Exempt Unearned Income
113.114	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115	Initial Employment
113.116	Budgeting Earned Income For Contractual Employees

financial assistance standards for Interim Assistance cases are being reduced due to budgetary constraints.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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 113.118 Termination of Employment
 113.120 Exempt Earned Income
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 113.130 Income From Work/Study/Training Programs
 113.131 Earned Income From Self-Employment
 113.132 Earned Income From Roomer and Boarder
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 113.139 Payments from the Illinois Department of Children and Family Services
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 113.246 Personal Allowance
 113.247 Personal Allowance Amounts
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 113.249 Utilities and Heating Fuel
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 113.251 Telephone
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 113.255 Sheltered Care in a Licensed Group Care Facility
 113.256 Shopping Allowance
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 113.259 AABD Fuel and Utility Allowances By Area
 113.260 Sheltered Care Rates
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SUBPART E: OTHER PROVISIONS

Section
 113.300 Persons Who May Be Included In the Assistance Unit
 113.301 Grandfathered Cases
 113.302 Interim Assistance (Repealed)
 113.303 Special Needs Authorizations
 113.304 Retrospective Budgeting
 113.305 Budgeting Schedule
 113.306 Purchase and Repair of Household Furniture (Repealed)
 113.307 Property Repairs and Maintenance
 113.308 Excess Shelter Allowance
 113.309 Limitation on Amount of AABD Assistance to Recipients from Other States
 EMERGENCY
 113.320 Redetermination of Eligibility
 113.330 Attorney's Fees for VA Appellants

SUBPART F: INTERIM ASSISTANCE

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 113.400 Description of the Interim Assistance Program
 113.405 Pending SSI Application
 113.410 More Likely Than Not Eligible for SSI
 113.415 Non-Financial Factors of Eligibility
 113.420 Financial Factors of Eligibility
 113.425 Payment Levels for Chicago Interim Assistance Cases
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago
 113.435 Medical Eligibility
 113.440 Attorney's Fees for SSI Applicants
 113.445 Advocacy Program for Persons Receiving Interim Assistance
 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States
 EMERGENCY
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13) [305 ILCS 5/3-1 et seq. and 5/12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; peremptory amendment at 2 Ill. Reg. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 31, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3

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111. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8052, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 27, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10767, effective October 16, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July

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16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended

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at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART F: INTERIM ASSISTANCE

Section 113.425 Payment Levels for Chicago Interim Assistance Cases

a) All Chicago Interim Assistance clients receive a flat grant of \$165.00 \$154.00 per month. In addition to the flat grant amount, clients may also be entitled to Special Needs allowances.

b) The Special Needs allowances are as follows:

1) Telephone

A) The monthly cost of a telephone is allowed at the minimum community rate when the client has no access to a telephone and the service is essential because of illness.

B) No allowance is made for security deposits or past due bills.

C) For installation charges, see 89 Ill. Adm. Code 116.520.

2) Laundry allowance of \$3.18 \$2.97 per month shall be provided when:

A) Neither the client nor any member of the household is physically able to do the laundry, no relative is available and housekeeping services are not provided; or

B) There are no facilities for washing or drying in the home; or

C) A recipient in the home is incontinent or bedfast.

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Section 113.425(b) (continued)

3) Shopping Allowance

The Department shall provide an allowance for shopping service in an amount not to exceed \$5.00 \$4.66 when the client is unable to shop and there is no one available to do it without charge.

4) Therapeutic Diet Allowance

A) The Department shall provide a therapeutic diet allowance when the diet is prescribed by a physician. Standard therapeutic diet monthly allowances provided are:

TYPE OF DIET	AMOUNT
Ulcer (and other chronic conditions requiring a bland low residue diet)	\$6.95 \$5.55
Diabetic (less than 1700 calories)	\$7.92 \$7.39
Diabetic (1700 calories or more)	\$17.82 \$16.61
High-protein, high caloric, high-vitamin	\$12.85 \$11.98

B) Approval of an allowance in a different amount or for a non-standard prescribed diet requires approval of the Department. Non-standard diets are approved by the Bureau of Medical Practitioner Services on a case-by-case basis.

5) Restaurant Allowance

The Department shall provide an allowance for meals in restaurants when the client has no facilities for the preparation of food, or is unable to cook, and has no one who will prepare meals.

A) The maximum allowance for three meals per day, seven days per week in a restaurant is \$63.95 \$59.61 monthly.

B) When fewer than three meals per day are required to be eaten in restaurants, the total restaurant allowance is to be authorized for the following monthly amounts:

i) Breakfast	\$12.78 \$11.92
ii) Lunch	\$10.19 \$17.89

Section 113.425(b)(5)(B) (continued)
iii) Dinner \$31.98 \$29.81

Section 113.430 (continued)

6) Home Delivered Meals

The Department shall provide an allowance for home delivered meals for clients who are confined to their homes because of illness or incapacity. Monthly allowances are as follows:

	5 Days Per Week	7 Days Per Week
1 Meal Per Day, Lunch Only	\$13.79 \$12.77	\$19.21 \$17.91
1 Meal Per Day, Dinner Only	\$23.84 \$21.29	\$31.99 \$29.82
2 Meals Per Day, Lunch and Dinner	\$36.54 \$34.06	\$51.16 \$47.69
3 Meals Per Day, Breakfast, Lunch and Dinner	\$45.68 \$42.57	\$63.95 \$59.61

7) Special Allowances for Blind and Partially Sighted (Interim Assistance-Blind Only)

Payment shall be made for reading or guide service for recreation (\$1.05 \$1.00 per month); repair of braille writers, radios or typewriters (most economical rate); food for a trained guide dog (\$12.07 \$12.19 per month); and allowance for attendance at the Illinois Visually Handicapped Institute (\$21.00 \$19.58 per month for additional clothing and personal essentials for months the client is in attendance).

(Source: Amended at 17 Ill. Reg. 4322, effective March 22, 1993)

Section 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago

The payment levels for Interim Assistance cases outside Chicago are determined by using the same individual allowances used in determining AABD payment levels (see 89 Ill. Adm. Code 113.246 through 113.261) except that individuals receiving Interim Assistance are not eligible for the grant adjustment (see 89 Ill. Adm. Code 113.253).

Section 113.430 (continued)

The payment levels for Interim Assistance cases outside Chicago are determined as follows:

- Total the individual allowances used in determining AABD payment levels (see 89 Ill. Adm. Code 113.246 through 113.261) except that individuals receiving Interim Assistance are not eligible for the grant adjustment (see 89 Ill. Adm. Code 113.253).
- Multiply the total amount of the individual allowances times .068. Drop cents.
- Subtract the amount computed in step (b) from the total amount of the individual allowances computed in step (a). This total is the Payment Level.

(Source: Amended at 17 Ill. Reg. 4322, effective March 22, 1993)

1) Heading of the Part: Food Stamps2) Code Citation: 89 Ill. Adm. Code 1213) Section Numbers: Adopted Action:

121.23, 121.24, 121.25,	Repeal
121.26, 121.27, 121.28,	Repeal
121.29	Repeal
121.160, 121.162, 121.164,	New Section
121.166, 121.170, 121.172,	New Section
121.174, 121.176, 121.178,	New Section
121.180, 121.182, 121.184,	New Section
121.186, 121.188, 121.190	New Section

4) Statutory Authority: Sections 12-4.4 through 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-4.4 through 12-4.6 and 12-13) [305 ILCS 5/12-4.4 through 5/12-4.6 and 5/12-13] and Public Act 87-893 (Senate Bill 1717), effective August 5, 1992

5) Effective Date of Amendments: March 19, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 19, 1993

9) Notice of Proposal Published in Illinois Register:

October 16, 1992 (16 Ill. Reg. 15813)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version:

The technical change recommended by the Administrative Code Division, to update the statutory citation in the Authority Note, was made to the proposed amendments. In addition, based on comments received from the Legal Assistance Foundation of Chicago, the following changes were made:

1) In Section 121.160(a), items (1) and (2) were reversed. What was previously subsection 121.160(a)(1), is now subsection 121.160(a)(2) and what was previously subsection 121.160(a)(2) is now subsection 121.160(a)(1).

2) In Section 121.160(b), the phrase "(however individuals may volunteer

to participate)" was added following the word "are".

3) In Section 121.160(b)(1), the phrase "(however, persons age 55 or over may volunteer to participate)" was deleted from the end of the sentence.

4) In Section 121.160(b)(2), the phrase "in a substance abuse treatment program or who are on a waiting list for such a program" was added after the word participating and the phrase "and cooperating in a rehabilitation service program" was deleted.

5) New Section 121.160(b)(3) was added as follows:

"Individuals who are homeless. Homeless in this instance is someone who has no current address and no expectation of acquiring a residence in the next thirty (30) days. It excludes individuals living with friends or relatives on a continuous basis. It includes individuals in overnight transitional shelters. Under this category of exemption if the individual remains homeless after (12) months, the individual is deemed no longer exempt from program participation, unless exempt under a different category;"

The remaining subsections were renumbered accordingly.

6) In Section 121.172(f), the word "shall" was replaced with the word "may" and the word "appropriate" was inserted before the word "component."

7) Section 121.180(h) was renumbered to Section 121.180(g).

8) In Section 121.180(h)(7), the (h) at the end of the Section was changed to (g).

9) In the Section 121.182(c)(2), the phrase "that receive state funds and want to participate in" was inserted after the word "units" and the word "for" was deleted.

10) In Section 121.182(d)(1)(A), an "s" was added to the word "household."

11) Section 121.182(f) was changed to 121.182(e) and the remaining subsections were renumbered accordingly.

12) In Section 121.182(f)(1), the "T" in there was changed to the lower case.

13) In Section 121.182(h)(5), the phrase "and supportive services" was

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deleted.

- 14) In Section 121.182(i)(1), the word "receives" was replaced by the word "earns." Also, the phrase "Individuals and" was inserted at the beginning of the last sentence and the "c" in the word "contractors" was changed to the lower case.

- 15) Section 121.182(j)(4) was changed to read as follows:

"An individual may be dismissed by the employer from an Earnfare assignment prior to its completion. The Department or local governmental unit shall return an individual dismissed by an employer to the client pool. An individual dismissed by an employer shall be treated as a new program entrant for the purpose of Earnfare assignments. A dismissal from an Earnfare assignment shall not cause a food stamp sanction."

- 16) In Section 121.184(a)(1), the phrase "three (3) months for the first instance of non-cooperation and for six (6) months for each subsequent instance of non-cooperation and/or shall be disqualified for food stamps for two months" was deleted and replaced with the following:

"two (2) months and/or shall be disqualified for food stamps for two (2) months. The two month ineligibility and/or food stamp disqualification shall be ended early if the individual actually complies with the appropriate requirement or if the individual becomes exempt."

- 17) In Section 121.184(a)(2), the phrase "See Section 121.186 for good cause." was enclosed in a parenthesis.

- 18) In Section 121.184(b), the word "non cooperation" was hyphenated.

- 19) In Section 121.184(c)(3), the phrase "(see Section 121.182(g))." was added at the end of the first sentence.

- 20) In Section 121.184(c)(5), the phrase "without good cause." was inserted after the word "training."

- 21) In Section 121.184(d), the words "non" and "exempt" were changed to the word "nonexempt."

- 22) In Section 121.184(g)(3), the phrase "or until you comply with the appropriate program requirement or become exempt" was added at the end of the first sentence. In the second sentence, the word "and/or" was changed to "and."

- 23) Section 121.188(a) was changed to read as follows:

"Transitional Assistance recipients are eligible to receive supportive service payments, in advance, except for orientation, to enable them to participate in the program. Individuals who are otherwise eligible for Transitional Assistance, but do not receive it because they are employable, are eligible to receive transportation payments in advance and initial employment expenses."

- 24) In Section 121.188(d)(3), the number "182" was replaced by the number "121.182."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace Emergency Amendments currently in effect? Yes

- 14) Are there any Amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: These amendments to the Department of Public Aid's food stamp rules (89 Ill. Adm. Code 121) are intended to implement the Food Stamp Employment and Training Program, including the Earnfare component. The amendments were adopted on an emergency basis effective October 1, 1992.

The current provisions of the food stamp rules which address employment and training requirements (Sections 121.23 through 121.29) are being replaced by the provisions which are necessary to implement this program (Sections 121.160 through 121.190). Public Act 87-893 (Senate Bill 1717), effective August 5, 1992, authorizes the Department to establish this program.

The Earnfare component is being implemented in new Section 121.182. This component will provide an opportunity for individuals who are no longer eligible for General Assistance to earn up to \$154 per month. The provisions of Section 121.182 address eligibility, notification of eligible individuals, participation requirements, payments, and other procedures for the administration of the program.

The Earnfare, job readiness, and grant diversion components are additions to the other components of the Food Stamp Employment and Training Program. The other components include job search, basic education, work experience, and job training.

Many of the provisions included in the Food Stamp Employment and Training

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Program are based on the current rules under the General Assistance program. Amendments are also being adopted to the General Assistance rules (89 Ill. Adm. Code 114) to repeal these provisions. The relationship between these rules is indicated in the following chart, which should assist interested persons in determining the substantive changes in the program:

<u>Current Provisions</u> <u>in Part 114</u>	<u>New Provisions</u> <u>in Part 121</u>	<u>Subject</u>
Section 114.121	Section 121.160	Persons Required to Participate
Section 114.124	Section 121.162	Participation, Cooperation
Section 114.125	Section 121.164	Orientation
Section 114.126	Section 121.166	Assessment, Employability Plan
Section 114.127(a)	Section 121.170	Job Search Component
Section 114.127(b)	Section 121.172	Basic Education Component
	Section 121.174	Job Readiness Component
	Section 121.176	Work Experience Component
Section 114.127(d)	Section 121.178	Job Training Component
	Section 121.180	Grant Diversion Component
Section 114.127(e)	Section 121.184	Sanctions
Section 114.128	Section 121.186	Good Cause, Failure to Cooperate
Section 114.129	Section 121.188	Supportive Services
Section 114.130		Conciliation, Fair Hearings
Section 114.135	Section 121.190	

The Department estimates that the cost of operation of the Earnfare program for Fiscal Year 1993 at about \$10 million. No other increases in expenditures are anticipated as a result of these amendments.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

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121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements (Repealed)
121.24	Individuals Exempt From Work Registration Requirements (Repealed)
121.25	Failure to Comply (Repealed)
121.26	Period of Disqualification (Repealed)
121.27	Voluntary Job Quit (Repealed)
121.28	Good Cause for Voluntary Job Quit (Repealed)
121.29	Exemptions from Voluntary Quit Rule (Repealed)

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property

Earned Income In-Kind
Sponsors of Aliens
Assets
Exempt Assets
Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Net Monthly Income Eligibility Standards
Gross Monthly Income Eligibility Standards
Income Which Must Be Annualized
Deductions From Monthly Income
Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

Persons Who May Be Included in the Assistance Unit
Living Arrangement
Nonhousehold Members
Ineligible Household Members
Strikers
Students
Households Receiving AFDC, SSI, Interim Assistance and/or GA -
Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Fraud Disqualification (Renumbered)
Initiation of Administrative Fraud Hearing (Repealed)
Definition of Fraud (Renumbered)
Notification To Applicant Households (Renumbered)
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AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by
Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23,
pars. 12-4.4 through 12-4.6 and 12-13) [305 ILCS 5/12-4.4 through 5/12-4.6 and
5/12-13]

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective October 1, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8998, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg.

7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15634, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY
Work Registration/Participation Requirements (Repealed)

Section 121.23

All non-exempt adults who are eligible members of a food stamp household shall register for employment, participate in an employment and training program and accept suitable employment, compliance with this requirement is a prerequisite to certification and program benefits shall not be granted conditionally prior to registration by non-exempt household members. However, under expedited services, the applicant must register but registration of other members may be postponed.

- 1) All non-exempt individuals must register in the following circumstances:
- 1) prior to initial certification;
- 2) for new member prior to addition to the case;
- 3) once every twelve months; and
- 4) when as a result of a change which the household is required to report, a member loses exempt status. (See 89 Ill. Adm. Code 102.50(e)).

Registration with Project Chance for General Assistance (GA) purposes shall meet the Food Stamp work registration requirement for non-exempt City of Chicago/GA/Food Stamp applicants and recipients.

Registration with Project Chance for Aid to Families With Dependent Children (AFDC) purposes shall meet the food stamp work registration requirement.

Registration with a Refugee Placement Agency or Illinois Job Service for Refugee Assistance/Food Stamp recipients shall meet the Food Stamp work registration requirements.

- Each household member who is required to register for employment is also required to:
- 1) Participate in an employment and training program, if assigned by Project Chance in accordance with 89 Ill. Adm. Code 112.78;
- 2) Respond to requests for supplemental information regarding employment status or availability for work;
- 3) Report to employers to whom referred;

Section 121.23(f) (continued)

- 4) Accept a bona fide offer of suitable employment. (see Section 121.27(b) for a definition of "suitable employment") and
 - 5) Cooperate with comparable work requirements of Project Chance for GA and AFDC. (See 89 Ill. Adm. Code 112.70 through 112.85, and 114.60 through 114.80, 114.85 and 114.120 through 114.130).
- (Source: Repealed at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.24 Individuals Exempt From Work Registration Requirements (Repealed)

The individuals listed below are exempt from work registration requirements but may, if they wish, voluntarily register for employment.

- a) Ineligible household members;
- b) Parent or other household members having responsibility for the care of a dependent child (ren) under age 6 or the care of an incapacitated person(s);
- c) Persons under age 16, or age 60 or over;
- d) A person age 16 or 17 who is not the primary wage earner or is attending school or enrolled in a training program on at least a half time basis;
- e) A person who is temporarily ill or chronically ill;
- f) 1) A person is temporarily ill, when determined by the local officer on the basis of medical evidence (e.g., statement from a medical provider) or on another sound basis that the illness/injury is serious enough to temporarily prevent the person from engaging in employment or participating in Project Chance. Minor ailments and injuries such as colds, broken fingers or scratches are not serious enough normally to exempt the individual under this criterion. A sound basis for exemption from Project Chance on a temporary basis includes but is not limited to:

- A) the observation of a cast on a broken leg or
- B) the client provides information of a scheduled surgery or recuperation from surgery;

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Section 121.24(e) (continued)

2) A person is chronically ill, as determined by the local officer, when a physician or licensed/certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the person from engaging in employment or participating in Project Chance.

3) When a person is determined either temporarily or chronically ill, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted the Department will establish a date as to when the condition warranting the exemption is expected to end or when a review of the case will be re-evaluated to determine whether the exempted person continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the person that a re-evaluation is necessary.

f) Any drug addict or alcoholic who regularly participates in a drug or alcoholic treatment and rehabilitation program.

g) Persons who are engaged in gainful employment employed or self-employed at least 30 hours per week or receiving weekly earnings equivalent to or greater than the Federal minimum wage (\$3.35 hour) multiplied by 30 hours and migrant and seasonal farm workers under a contract to begin employment within 30 days of application.

h) Persons receiving Unemployment Insurance (UI) or who have applied for UI if required to register for Job Service as part of the UI application process.

i) Students enrolled at least half-time in any recognized

1) school or

2) training program or

3) institution of higher education and who have met one of the eligibility requirements set forth in Section 121.75(a).

j) Is a person enrolled full-time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act, if the individual was receiving financial assistance or food stamps at the time he/she joined VISTA. Persons enrolled full-time under Title II of the 1973 Domestic Volunteer Services Act, as senior health aide, foster grandparent, center companions or persons serving in the Senior Corps of Retired Executives (SCORE) and Active Corps of Executive (ACE), etc., are exempt.

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Section 121.24 (continued)

k) Homeless persons (see Section 121.7) are exempt from participation. (Source: Repealed at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.25 Failure to Comply (Repealed)

a) The local office will determine if an individual has refused or failed to comply without good cause with work registration requirements.

b) Project Chance will determine if a an individual has failed to comply with comparable program requirements (see 89 Ill. Adm. Code 112.78 and 112.79). The Department will take action to terminate Food Stamp benefits within ten calendar days of such determination by Project Chance staff.

e) If it is determined that a household member failed to comply with work registration requirements without good cause:

1) the individual is ineligible and treated as a nonhousehold member (see Section 121.31(g)) if he/she is not the primary wage earner or the designated head of household if there is no primary wage earner of an AFDC client.

2) the entire household is ineligible if he/she is the primary wage earner of the designated head of household if there is no primary wage earner of an AFDC client.

d) Good cause includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member requiring the presence of the member, lack of transportation, a household emergency or the lack of adequate child care for children age 6 through 11 as defined in Section 121.75(a)(3).

(Source: Repealed at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.26

Period of Disqualification (Repealed)

a) The period of disqualification of an entire household for failure to comply with work registration requirements last is until:

- 1) the member complies with the requirements;
- 2) the member becomes exempt from the requirements;

Section 121.27(c) (continued)

month of the quit. It need not be the head of the household. The employment must involve 20 hours or more per week or provide gross weekly earnings equal to or greater than the federal minimum wage multiplied by 20 hours. A child of any age living with a parent or a person fulfilling the role of a parent shall not be considered a primary wage earner if the parent or household member acting as a parent registration because the individual

1) is subject to and participating in Project Chance under AFDC requirements

2) receives or is expected to receive Unemployment Insurance Benefits or

2) is employed or self-employed and working a minimum of thirty (30) hours per week or receives earnings equal to or greater than 30 times the Federal Minimum Wage

a) A Federal, State or local government employee who participated in a strike against such government and is dismissed from his/her job because of participation in the strike is considered to have voluntarily quit his/her job without good cause

e) If the household provides questionable information (that is inconsistent with information previously supplied by the household or other information available to the local office) regarding whether or not the primary wage earner has voluntarily quit employment, it shall provide verification from sources such as a previous employer, employee associations, and union representatives, etc.

(Source: Repealed at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.28 Good Cause for Voluntary Job Quit (Repealed)

a) Circumstances beyond the person's control, including but not limited to:

1) illness

2) illness of another household member requiring the presence of the primary wage earner

3) a household emergency

4) lack of transportation or

Section 121.26(a) (continued)

3) the individual is no longer a household member. If the individual becomes part of another household, the new household is not eligible for the remainder of the disqualification period or

4) the household has been disqualified for 2 fiscal months beginning with the first month following the expiration of the adverse notice period

b) Disqualification ends

1) following the end of the 2nd fiscal month of disqualification participation may be resumed if

A) an application is filed, and

B) all other eligibility requirements are met, or

2) during the disqualification period when the registrant is otherwise eligible and becomes exempt from the registration requirements

e) For CAFS households disqualified for failure to cooperate with comparable requirements of Project Chance, the Food Stamp disqualification period does not have to coincide with the CAFS disqualification period

(Source: Repealed at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.27 Voluntary Job Quit (Repealed)

a) If within 60 days before the date of initial application, the primary wage earner of the food stamp household has, without good cause voluntarily quit his/her job, the entire household is ineligible for food stamp benefits for 90 days beginning with the date of the quit

b) If the primary wage earner or designated head of household if there is no primary wage earner of a participating Food Stamp household has, without good cause, voluntarily quit his/her job, the entire household is ineligible for Food Stamp benefits for three (3) fiscal months (see 89 Ill. Adm. Code 101.20)

e) Primary Wage Earner -- The household member who has been earning the most money to support the household in the two months prior to the

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Section 121.28(a) (continued)

- 5) lack of adequate child care for children age 6 through 11 as defined in Section 121.75(a)(3).
- b) Resignation from a job which is considered "unsuitable" or becomes "unsuitable" after acceptance of the job. Employment is considered "unsuitable" if:
 - 1) wages are below Federal or State minimum wage;
 - 2) the primary wage earner is required to join or refrain from joining a labor union;
 - 3) the work site is subject to a strike or lockout;
 - 4) the degree of risk to health or safety is unreasonable;
 - 5) the primary wage earner is physically or mentally unable to perform the employment;
 - 6) the distance from the member's home to the place of employment is unreasonable (daily commuting exceeds 2 hours a day);
- e) Discrimination by employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs.
- d) Work demands or conditions that make it unreasonable to continue employment, including, but not limited to, a person working and not being paid on schedule.
- e) Acceptance of new employment, requiring that the primary wage earner leave the current job.
- f) Acceptance by any other household member of employment in a different county, requiring that the household move and that the primary wage earner leave the job.
- g) Educational enrollment by the primary wage earner at least half time in any recognized school, training program or institution of higher education.
- h) Educational enrollment of a household member in another county, requiring that the household move and that the primary wage earner leave the job. Enrollment must be at least half time in any recognized school, training program or institution of higher education.

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Section 121.28 (continued)

- i) Resignation from employment by a person who is under 60 which the employer recognizes as retirement.
- j) Acceptance of a bona fide offer of employment which, because of circumstances beyond the primary wage earner's control, does not materialize, turns out to be less than 20 hours a week, or pays less than the Federal minimum wage times 20 hours per week.
- k) Leaving a job in connection with patterns of employment, e.g., migrant farm labor.

(Source: Repealed at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.29

Exemptions from Voluntary Quit Rule (Repealed)

- a) Hours of employment are reduced while working for the same employer;
- b) Termination of self-employment enterprise;
- c) Employer demands that person resign from job;
- d) Persons who are exempt from the work registration requirements.

(Source: Repealed at 17 Ill. Reg. 4333, effective March 19, 1993)

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM
CLAIMS FOR OVERISSUANCES OF FOOD STAMP BENEFITS

Section 121.160 Persons Required to Participate

- a) All individuals receiving food stamps who are not exempt will be required to participate in the Food Stamp Employment and Training program, to the extent resources are available. This includes, in priority order:
 - 1) Individuals who meet the eligibility requirements for Transitional Assistance but who are not eligible. These individuals may volunteer for Earnfare or may, if resources are available, be required to participate in any Food Stamp Employment and Training activities;
 - 2) Recipients of Transitional Assistance;
 - 3) Non exempt clients receiving Family and Children Assistance may

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Section 121.160(b)(9) (continued)

that students enrolled at least half time in an institution of higher education have met the eligibility conditions as defined at 7 CFR 273.5. A student enrolled in a school, training program or institution of higher education shall remain exempt during normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer):

- 10) Individuals who are employed or self-employed and working a minimum of thirty (30) hours per week or receives earnings equal to or greater than 30 times the Federal Minimum Wage;
- 11) Individuals receiving unemployment insurance or individuals who have applied for unemployment insurance if the person was required to register for work with Job Service as part of the unemployment compensation application process; and
- 12) Persons who are full-time VISTA volunteers under Title I of the 1973 Domestic Volunteer Services Act (42 U.S.C. 4951 et seq.) who were recipients of public assistance under Article VI of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 6-1 et seq.) when they joined VISTA, or are full-time volunteers under Title II of the Act (15 U.S.C. 637 et seq.), which includes foster grandparents, senior health aides, senior companions, or persons serving in the Senior Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE).

(Source: Added at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.162 Participation and Cooperation Requirements

- a) To the extent resources allow, the Department shall establish employment, education and training programs for food stamp recipients in the Food Stamp Employment and Training program. All Food Stamp Assistance recipients not exempt under Section 121.160(b) may be required to participate and cooperate in the Food Stamp Employment and Training program to the extent resources allow. The individual will be given the participation requirements in writing for each component to which the individual is assigned. These components include:
 - 1) Basic Education (see Section 121.172);
 - 2) Job Training (see Section 121.178);

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Section 121.160(a)(3) (continued)

be required to participate in the Food Stamp Employment and Training program. See 89 Ill. Adm. Code 112.70 through 112.76 for requirements for these clients; and

- 4) All other non-exempt food stamp recipients not receiving AFDC or Refugee Assistance.
- b) Those individuals exempt from the Food Stamp Employment and Training program are (however, individuals may volunteer to participate):
 - 1) Individuals age 55 or over;
 - 2) Persons who are participating in a substance abuse treatment program or who are on a waiting list for such a program;
 - 3) Individuals who are homeless. Homeless in this instance is someone who has no current address and no expectation of acquiring a residence in the next thirty (30) days. It excludes individuals living with friends or relatives on a continuous basis. It includes individuals in overnight transitional shelters. Under this category of exemption, if the individual remains homeless after twelve (12) months, the individual is deemed no longer exempt from program participation, unless exempt under a different category;
 - 4) Individuals who are chronically ill, as determined by a physician or licensed/certified psychologist who finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the person from engaging in employment or participating in the Food Stamp Employment and Training Program;
 - 5) Persons who are temporarily ill, for the medically documented period of the illness;
 - 6) Individuals who have another household member who requires the full-time care of the individual;
 - 7) Individuals who are under 16 years of age;
 - 8) Individuals age 16 or 17 who are not the head of a household or who are attending school or are enrolled in a training program on at least a half time basis;
 - 9) Students enrolled at least half time in any recognized school, training program, or institution of higher education; provided

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Section 121.162(a) (continued)

- 3) Job Search (see Section 121.170);
 - 4) Work Experience (see Section 121.176);
 - 5) Job Readiness (see Section 121.174);
 - 6) Grant Diversion (see Section 121.180); and
 - 7) Earnfare (see Section 121.182), which is limited to employable individuals who are otherwise eligible for Transitional Assistance and who volunteer for the Earnfare component.
- b) The individual may be required to participate in such employment and training programs for up to five (5) days per week and thirty (30) hours per week, up to a maximum of 120 hours per month.
- c) An individual is required to participate in the Food Stamp Employment and Training program by:

- 1) Cooperating with the Food Stamp Employment and Training Program. Cooperation with the Food Stamp Employment and Training program is defined as providing information on the individual's background, education level, and work history as well as factors affecting employability or ability to meet participation requirements (including health, physical or mental limitations, family problems, and any other related factors), appearing for scheduled meetings, and complying with the requirements of the Food Stamp Employment and Training program components identified in Sections 121.170 through 121.182.
 - 2) Job Contacts in Job Search. Individuals are required to make twenty (20) acceptable employer contacts in every thirty (30) calendar days while in the Job Search component.
- A) Ten (10) of the twenty (20) required contacts must be either:
- i) the completion and return of an application; or
 - ii) a face to face interview with an employer.
- B) The remaining ten (10) contacts may be any combination of the following:
- i) the completion and return of an application;

Section 121.162(c)(2)(B) (continued)

- ii) a face-to-face interview with an employer;
 - iii) the completion of a civil service test required for employment with the State, Local, or Federal Government;
 - iv) the completion of a Job Service screening test;
 - v) the mailing of a resume with a covering letter to an employer;
 - vi) for union members in good standing, reporting to the union hall;
 - vii) reporting to a day labor hall; or
 - viii) reporting for temporary office service.
- C) Acceptable contacts are documented by written statements provided to the Food Stamp Employment and Training worker by the individual. The Food Stamp Employment and Training worker may verify the job contacts by contacting the employer.
- D) No individual shall be sanctioned for failure to make the appropriate number of job contacts if the individual has made a good faith effort to make the job contacts. Whether an individual has made a good faith effort to make the required number and types of contacts is based on all the facts and circumstances of each case. Good faith effort exists when circumstances beyond the control of the individual prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:
- i) the individual appears for a scheduled interview and the employer misses the appointment;
 - ii) the individual has fewer than twenty (20) contacts and/or fewer than ten (10) interviews or applications, but came reasonably close to the required numbers in an effort to find work;
 - iii) the individual fails a civil service or other employment screening test;

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Section 121.162(c)(2)(D) (continued)

- iv) the individual completes an application which is not accepted by the employer; and
- v) the individual's job search performance indicates that the individual should be in a different Food Stamp Employment and Training component or in a rehabilitation program or should be evaluated by the Client Assessment Unit as potentially eligible for SSL.

3) Responding to a job referral of suitable employment (i.e., a written statement referring a mandatory registrant to an employer for a specific position).

4) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why an offer of employment was not accepted.

A) A bona fide offer of suitable employment is where there was a definite offer of employment substantiated by confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community, based on information obtained from the Department of Employment Security; and

B) Suitable employment must meet the following requirements:

- i) there are no questions as to the mandatory registrant's inability to engage in such employment for medical reasons or because he has no way to get to or from the particular job;
- ii) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
- iii) wages offered must be at least the Federal minimum wage, the State minimum wage, or \$4.25 per hour (if neither the Federal nor State minimum wage is applicable);
- iv) if the wages are offered on a piece-rate basis, the amount the individual can reasonably be expected to earn must equal the wages as outlined in subsection (c)(4)(B)(iii) above;

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Section 121.162(c)(4)(B) (continued)

- v) the mandatory registrant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
- vi) there is no unreasonable degree of risk to the mandatory registrant's health and safety; and
- vii) the mandatory registrant is physically and mentally competent to perform the work.

5) Registering and appearing for any subsequent interviews at the Department of Employment Security's Job Service offices.

d) Food Stamp Employment and Training participants who are employed must:

- 1) Continue their employment; and
 - 2) Not reduce their employment (i.e., voluntarily reducing work hours).
- e) Failure to participate or cooperate with the Food Stamp Employment and Training requirements listed in this Section will result in a food stamp disqualification and or financial sanction as outlined in Section 121.184.

(Source: Added at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.164 Orientation

a) The Department shall arrange for individuals to receive a program orientation and an assessment to develop an employability plan. The orientation may be conducted by a provider of training or employment programs. When the orientation is scheduled by the Department, individuals will be sent a letter from the Department which includes the following information:

- 1) the fact of the individual's registration;
- 2) the right to request an exemption;
- 3) a complete description of all available exemptions;
- 4) the date and time of the meeting;
- 5) a description of the program and the purpose of the meeting.

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Section 121.164(a) (continued)

- 6) the consequences of failing to attend;
- 7) the right to reschedule the appointment with good cause;
- 8) the right to request transportation services to attend; and
- 9) the printed name of the worker to contact for such purposes.
- b) In an orientation meeting, individuals will receive an explanation of the Food Stamp Employment and Training program, including Earnfare. The orientation shall include information regarding participation requirements, the distribution of a Food Stamp Employment and Training program booklet and an explanation of its contents which contains program information including the following:
 - 1) an overview of the Food Stamp Employment and Training program, including Earnfare for those who are eligible to participate in Earnfare;
 - 2) the exemption criteria listed in Section 121.160(b);
 - 3) a description of all Food Stamp Employment and Training program components, eligibility criteria, and specific participation requirements for each component;
 - 4) general participation requirements, such as appearing for scheduled meetings with Food Stamp Employment and Training program staff, responding to a job referral, and accepting a bona fide offer of suitable employment as described in Section 121.162(c);
 - 5) the individual's responsibilities while in the Job Search component as described in Sections 121.162(c)(2) and 121.170;
 - 6) the Job Search allowance and the other supportive services identified in Section 121.188;
 - 7) information on what constitutes an acceptable employer contact;
 - 8) the assessment process and employability plan as described in Section 121.166; and
 - 9) the result of the individual's failure to cooperate, without good cause, with the Food Stamp Employment and Training program.
- c) When providing an orientation to individuals eligible for Earnfare,

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Section 121.164(c) (continued)

- the orientation meeting shall include an explanation of the maximum Earnfare payment amount, and the fact that individuals who volunteer for Earnfare are not subject to financial sanctions or food stamp disqualifications for refusal or failure to comply with Earnfare requirements.
- d) Mandatory registrants must attend all orientation meetings or notify their Food Stamp Employment and Training worker of good cause to be excused and have their meeting rescheduled (see Section 121.186).
 - 1) If an individual fails to attend an orientation meeting on two separate occasions without good cause (see Section 121.186), Transitional Assistance and/or Food Stamp Assistance shall be discontinued.
 - 2) If the mandatory registrant fails to attend an Orientation meeting on two separate occasions but has good cause (see Section 121.186) on at least one occasion, Transitional Assistance and/or Food Stamp Assistance shall be reinstated (if cancelled) and the mandatory registrant shall be reimbursed for any Transitional Assistance lost.
 - 3) Transitional Assistance and or Food Stamp Assistance shall be reinstated effective the date of the discontinuance if the mandatory registrant agrees to and subsequently attends an orientation meeting, provided the date of agreement falls on or before the last day of the fiscal month of the discontinuance. Individuals who sign an agreement and who subsequently attend the orientation meeting shall receive an assessment (as explained in Section 121.166) as part of the orientation session.
 - 4) The Department shall attempt to schedule the orientation meeting on the day that the mandatory registrant agrees to attend such orientation, or as soon thereafter as possible.
- (Source: Added at 17 Ill. Reg. 4333, effective March 19, 1993)
- Section 121.166 Assessment and Employability Plan
- a) Assessment and Employability Plan
 - 1) All individuals shall undergo an assessment to develop an employability plan.
 - 2) The assessment shall include collection of information to the

Section 121.166(b)(5) (continued)

component is not appropriate.

- c) When the assessment is conducted by the Department, the individual will be notified in writing of the assessment meeting. The notice shall include the following information:
- 1) the date and time of the interview;
 - 2) a description of the purpose of the interview;
 - 3) the consequences of failing to attend;
 - 4) the right to reschedule for good cause (see Section 121.186); and
 - 5) the address, telephone number and printed name of the person to contact for such purposes.
- d) Based on the assessment and the eligibility criteria for each Food Stamp Employment and Training component, an individual will be assigned a component or components and receive component specific participation requirements (see Sections 121.170 through 182).

- 1) If an individual fails to appear for an assessment interview or to comply with the assessment process without good cause (see Section 121.186), Transitional Assistance and/or Food Stamp Assistance shall be discontinued for the assistance unit.
- 2) If an individual has good cause (see Section 121.186) for failing to appear for an assessment interview or to comply with the assessment process, Transitional Assistance and/or Food Stamp Assistance shall be reinstated (if cancelled) and the individual shall be reimbursed for any Transitional Assistance lost.
- 3) Transitional Assistance and/or Food Stamp Assistance which has been discontinued because of failure to participate/cooperate in the assessment process shall be reinstated if the individual agrees to undergo an assessment and the assessment subsequently takes place. The reinstatement shall be effective the date of the discontinuance provided the date of agreement falls on or before the last day of the fiscal month for which the discontinuance would be effective. If the date of agreement falls after the last day of the fiscal month for which the discontinuance would be effective, reinstatement shall be effective upon cooperation.

Section 121.166(a)(2) (continued)

extent it is readily provided by the client on the individual's background, age, literacy, education achievement level, job training and work experience as well as factors affecting employability or ability to meet participation requirements (for example, health, physical or mental limitations, recent institutionalization, family problems). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, the individual and Department staff or provider shall work together to establish the employability plan and to identify any supportive service needs required to enable the individual to participate in employment and training and meet the objectives of their employability plan (see subsection (b) below). If during assessment an individual is identified as "not employable," the individual will be referred to apply for Transitional Assistance and for a determination of "not employable" status.

- 3) The employability plan shall contain at least the following:
 - A) the employment-related objective;
 - B) the Food Stamp Employment and Training component placement;
 - C) the supportive services that must be provided or arranged; and
 - D) a statement that the supportive services have been provided by the Department or otherwise arranged, including an explanation of specific arrangements and services provided.
- b) The assessment shall take place at least at the following times:
 - 1) within ten working days after the date the program orientation is provided to the individual;
 - 2) at any time to determine the individual's suitability for a different component (see Sections 121.170 through 182);
 - 3) if the individual is not cooperating with the requirements of the program (see Sections 121.162 and 121.170 through 182);
 - 4) prior to the assignment to a different component; or
 - 5) upon the request of the individual, if the individual is failing to make satisfactory progress in a component or thinks the

Section 121.166(d) (continued)

- 4) The Department shall attempt to schedule the assessment interview on the same day that the individual agrees to cooperate with the assessment or as soon thereafter as possible.
- 5) Transitional Assistance shall not be sanctioned (see Section 121.184) for noncooperation with the Food Stamp Employment and Training program prior to completion of the assessment process. Also, no individual shall be sanctioned for noncooperation with the Food Stamp Employment and Training program when the alleged noncooperation is based in whole or in part, on any act or omission of the individual which occurs prior to the completion of the assessment process.

- e) The individual shall be notified in writing of the discontinuance of Transitional Assistance and/or Food Stamp Assistance, due to failure to comply with this Section or Section 121.162(e). The notice shall state, with specificity, the action being taken and the reasons for the action, the acts constituting the noncompliance and the date of such acts. The notice shall also state the right to be restored to Transitional Assistance without loss of benefits upon completion of the conditions stated in this Section and Section 121.162(e).

- f) Food Stamp Employment and Training program participation shall not be required in the event that supportive services or other resources identified in the employability plan are needed for effective participation but are unavailable from the Department or from some reasonably available source.

(Source: Added at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.170 Job Search Component

- a) Individuals assigned to the Job Search (JS) component based upon the employability plan must attend all scheduled meetings, including pre-arranged Job Skills Workshops conducted by other than Food Stamp Employment and Training staff. The individual will be notified in writing of all scheduled meetings. The failure of an individual to appear for scheduled meetings without good cause will constitute noncooperation.

- b) Individuals who fail to cooperate in Job Search without good cause shall be subject to financial sanction and/or food stamp disqualification as explained in Section 121.184.

- c) The individual is required to actively contact employers in his/her

Section 121.170(c) (continued)

efforts to secure employment (i.e., mandatory registrants are required to make twenty (20) acceptable employer contacts every thirty (30) days). No individual shall receive a financial sanction and/or a food stamp disqualification for failure to make the appropriate number of job contacts, if the individual has made a good faith effort to make the job contacts (see Section 121.162(c)(2)).

- d) At the end of the Job Search period, an individual who has not found a job but has demonstrated employability will continue in Job Search. Employability is demonstrated by an individual's education, training, employment history, market factors, personal situations and experience in the Job Search component. After an individual has been placed in Job Search two consecutive times, the individual will be placed in a different component before being placed in Job Search again.

(Source: Added at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.172 Basic Education Component

- a) In the Basic Education component, Food Stamp Employment and Training staff provide information, referral, counseling services and supportive services to individuals to increase their employment potential and to remove significant barriers to employment. Individuals may be referred to testing, counseling and education resources, rehabilitation therapy, and agencies or programs which sponsor such activities, such as Job Training Partnership Act (JTPA) and Department of Rehabilitation Services (DORS).

- b)

Eligibility Criteria. Approval of education and training plans is based upon the Department's assessment of the following factors:

- 1) The program selected will lead to making an individual employable, taking into consideration the time required to complete, and the over-all cost and quality of the program (see Section 121.170(d)).
- 2) An individual has the aptitude, ability and interest necessary for success in the particular education or training program (as determined by such factors as test results, educational background and previous training);
- 3) The program must be administered by an educational institution accredited by the Illinois State Board of Education or the Department of Professional Regulation or be a Job Training Partnership Act (JTPA) funded program.

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Section 121.172 (continued)

- e) Contact with Individuals. An individual is to contact the Food Stamp Employment and Training worker on a monthly basis if the supportive service payments identified in Section 121.188 are being issued.
- f) Availability of Slots. If the Department determines the individual should be in the Basic Education component, but there are no appropriate slots available, the individual may be assigned to another appropriate component, while waiting for an appropriate Basic Education slot to become available.

(Source: Added at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.174 Job Readiness Component

- a) An individual who has not found employment and who needs to learn the necessary essentials to obtain and maintain employment may be referred to the Job Readiness component. The Job Readiness component helps an individual gain necessary job finding skills to help find and retain employment.

b) Eligibility Criteria

- 1) The Job Readiness component is appropriate for an individual determined to be near job ready and who requires assistance to perfect job finding techniques and improve interview skills needed to obtain and to retain employment.

- 2) Job Readiness activities may be combined with other component activities if determined appropriate.

c) Participation Requirements

- 1) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based upon the individual's circumstances.
- 2) The individual must attend all scheduled classes or sessions. The individual must make satisfactory progress based upon the written policy of the job readiness provider. If there is a job search component in the program, the individual must make up to five (5) acceptable employer contacts in a thirty (30) day period.

(Source: Added at 17 Ill. Reg. 4333, effective March 19, 1993)

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Section 121.172(b) (continued)

- 4) An individual must apply for the Pell grant and scholarships from the Illinois Student Assistance Commission, as well as any scholarships or grants identified by the education or training facility for which an individual may be eligible. Such funds shall be exempt from consideration as income to the extent they are used to pay educational expenses, such as books, tuition and fees, provided the individual is participating under an approved Food Stamp Employment and Training education and training plan.

- 5) An individual does not possess a high school diploma or a GED certificate.

- 6) An individual must participate in a full-time program as defined by the educational program unless:

- A) a full-time program is not available (for example, a full-time GED program is not available); or
- B) a part-time program is the most appropriate, as determined by the Food Stamp Employment and Training program.

- c) Entry into the Component. The assignment into the Basic Education component results from the joint employability plan developed by the individual and the Food Stamp Employment and Training worker (see Section 121.166).

d) Participation Requirements

- 1) An individual must maintain a level of satisfactory progress as established and reported by the educational facility.

- 2) Failure of an individual to attend training or education classes three (3) times in a thirty (30) day period without good cause shall result in a financial sanction and/or food stamp disqualification (see Section 121.184). Failure to participate without good cause in classes as defined by the education or training facility shall result in a financial sanction and/or food stamp disqualification (see Section 121.184).

- 3) Curriculum changes can be made only with the prior written approval of the Food Stamp Employment and Training worker. Prior approval will be granted when the curriculum change is consistent with the written goals of the training program.

- 4) An individual must provide monthly verification of attendance and progress (i.e., statements signed by the instructor, educational records and reports prepared at the end of the term).

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Section 121.176 Work Experience Component

a) An individual who needs orientation to work, work experience, or training in order to prevent deterioration of skills or to enhance existing skills may be referred to the Work Experience component. This is to provide the individual with a meaningful work experience. The work experience sponsor shall not use Work Experience mandatory registrants to displace regular employees.

b) Eligibility Criteria. The Work Experience component is appropriate for mandatory registrants determined:

1) to have no recent work history or employer references taking into consideration such factors as the mandatory registrant's educational background and previous training; or

2) to need experience to prevent deterioration of skills, or to enhance existing skills (for example, typing).

c) Entry into the Component

1) An individual who is determined eligible for the Work Experience component, based on an assessment of education, training and employment history, may be assigned to the Work Experience component. Procedures used in the assessment are a face-to-face meeting with the individual and a review of all available information on the individual (including but not limited to an individual's case record).

2) The Work Experience involves participation in the fields of health, social services, environmental protection, urban and rural development, welfare, recreation, public facilities, public safety and day care. Individuals shall be placed in any of the fields considering, to the extent possible, their prior training, proficiency, experience, skills, and vocational preference. Individuals will be selected for the appropriate field taking into consideration such factors as an individual's work history and the needs of the sponsor.

d) Participation Requirements

1) A work assignment consists of three (3) consecutive months. An individual is required to work with community based not-for-profit, private or government agencies and with public or private education and vocational training institutions. (The date an individual is to appear at the work assignment begins the work assignment period.) An individual is required to work

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Section 121.176(d)(1) (Continued)

not more than the number of hours that correspond with his/her level of Transitional Assistance grant and/or Food Stamp benefits, divided by the federal minimum wage. If an individual is also a member of a Food Stamp household consisting of more than one person, Food Stamp benefits shall be prorated among all members of the household to determine the number of hours the registrant is required to complete in the work assignment.

2) During work assignment an individual may be required to participate in education and training programs. Additionally, an individual is required to accept bona fide offers of employment pursuant to Section 121.162(c)(4).

3) An individual is also required to report as scheduled and on time to the work assignment sponsor when notified of an assignment. When an individual cannot report to the work assignment or if the individual will be late, he/she is to immediately notify the work assignment sponsor.

4) Failure to report to the job assignment initially without good cause or failure to attend the work assignment one day in a thirty day period without good cause shall result in a financial sanction and/or food stamp disqualification.

e) Job Search. During work assignment, an individual who is not in an approved education and training program is required to make eight (8) acceptable employer contacts in a thirty (30) day period. Failure to make the required employer contacts without good cause shall result in a financial sanction and/or food stamp disqualification (see Section 121.162(c)(2)).

f) Reassignment. At the end of the three (3) month period, an individual's employability will be evaluated using the procedures and criteria described in Section 121.166. If continuing the work assignment will benefit an individual in terms of furthering work skills (see subsection (b) above), the individual shall be reassigned to the work assignment. Otherwise, an individual will be assessed for assignment to another Food Stamp Employment and Training component.

g) Displacement

1) The work assignment sponsor shall not use individuals participating in the Food Stamp Employment and Training program to displace the sponsor's employees;

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Section 121.176(g)(1) (Continued)

- A) who are already employed as regular full-time or part-time employees of the sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason;
- B) who are or have been involved in a labor dispute between a labor organization and the sponsor; or
- C) who have been temporarily laid off by the sponsor.

2) Individuals or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

- A) the name and address of the individual (the grievant);
- B) the individual's public aid case number;
- C) the individual's social security number;
- D) the work assignment (work site); and
- E) a statement as to why an individual believes he/she is causing displacement.

3) Within ten (10) days after receipt of a written grievance, the Department will arrange an in-person conference with:

- A) the individual;
- B) the individual's representative, if any;
- C) the work assignment sponsor;
- D) the work assignment sponsor's representative, if any; and
- E) the Department's representative.

4) At the in-person conference, the Department will solicit and receive from the individual and the work assignment sponsor any documents and statements relevant to the matters alleged in the grievance. The work assignment sponsor shall provide documents or other information requested by the individual and/or the Department.

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Section 121.176(g) (continued)

- 5) Within fifteen (15) days after the in-person conference, the Department will advise the individual and the work assignment sponsor, in writing, of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.
- 6) If the Department concludes that displacement occurred, the Department will terminate the individual's assignment to that work assignment sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the work assignment sponsor has caused displacement by use of individuals participating in the Food Stamp Employment Training program in addition to the individual grievant, then the Department may terminate the Food Stamp Employment and Training program participants' assignment to that work assignment sponsor.
- 7) All individuals are assured that no retaliation will be taken against them by the Department, its employees, or the work assignment sponsor for filing a grievance or otherwise proceeding under this subsection (g).

(Source: Added at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.178 Job Training Component

- a) Individuals who will benefit from short-term training and job placement assistance are referred to the Job Training component. The Job Training component offers special time-limited services for specific target populations.
- b) Eligibility Criteria. The Job Training component is appropriate for individuals determined to:
- 1) be able to benefit from short-term vocational training (for example, an individual who has the interest and ability to complete the training program and be hired in a position for which an individual has trained);
 - 2) be readily employable with the addition of short-term training (for example, training for a specific job for which there are jobs available); and
 - 3) meet specific project entry criteria.

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Section 121.178 (continued)

- c) Entry into the Component. Assignment of individual to Job Training will be made as a result of the assessment and development of the employability plan.

d) Participation Requirements

- 1) The individual must maintain a level of satisfactory attendance and progress as established and reported by the training provider. Failure of an individual to attend training classes, without good cause, three (3) times in a thirty (30) day period shall result in a financial sanction and/or food stamp disqualification as specified for the Job Training component.
- 2) The individual must provide verification of attendance and progress (i.e., statements signed by the instructor, records and reports prepared at the end of the term). The individual must provide monthly verification of attendance.

e) Contact with Individual

- 1) The Food Stamp Employment and Training worker shall have contact with the individual on a monthly basis. Contact consists of attendance reports, progress reports, group or individual sessions, on-site program visits and written correspondence.
- 2) The individual must provide verification of progress (such as statements signed by the instructor and records and reports prepared at the end of the term). The individual must provide monthly verification of attendance.

(Source: Added at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.180 Grant Diversion Component

- a) In the Grant Diversion component, the individual's Transitional Assistance grant is diverted to the employer or contractor to offset the costs of training a new employee. The employer will be responsible for making payments to the individual in the form of a salary, at not less than the federal minimum wage, and the individual shall receive the same benefits as those provided to all company staff members, for their position title. At the end of the "training" period, the employer is expected to continue the employment of the individual without the diverted funds. The Transitional Assistance grant is diverted to a contractor who provides training and pays the individual wages during the training and then places the individual into unsubsidized full-time employment.

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Section 121.180 (continued)

- b) Eligibility Criteria. The Grant Diversion component is appropriate for individuals determined:

- 1) to be receiving Transitional Assistance grant and food stamps;
 - 2) to possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background;
 - 3) to need experience to prevent deterioration of, or to enhance, existing skills; and
 - 4) who volunteer.
- c) Entry into the Component. The assignment to the Grant Diversion component results from the assessment and employability plan developed by the individual and the Food Stamp Employment and Training worker.

d) Participation Requirements

- 1) The individual must agree to accept wages from employment. The employer will be responsible for making payments to the individual in the form of a salary, at not less than the federal minimum wage (higher if the position warrants), less applicable payroll taxes, in lieu of the cash grant, and the individual shall receive the same benefits as those provided to all company staff members for their particular position title.
- 2) The individual must attend all scheduled days. Failure to attend, as agreed, without good cause shall result in a food stamp disqualification and/or financial sanction and removal from the Grant Diversion project. If the individual cannot report to the Grant Diversion employer or will be late, he/she is to immediately notify the Grant Diversion employer.
- 3) Assignment to the component can continue for three (3) to six (6) months, as specified in the contract. Individuals are not entitled to be placed in a Grant Diversion slot. Grant Diversion slots are available only to the extent that resources permit.
- 4) The individual must do satisfactory work as determined by the employer or training provider.

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Section 121.180(d) (continued)

- 5) Upon completion of the Grant Diversion assignment, participants are required to accept bona fide offers of employment pursuant to Section 121.162(c)(4).

e) Client Benefits

- 1) While actively involved in a training program, an individual remains eligible for medical assistance.
- 2) An individual may also be entitled to certain supportive service payments, such as initial employment expenses.

f) Contacts with Employers/Training Providers

- 1) Employers/Training Providers that participate in the Grant Diversion program must enter into a written contract with the Department prior to receiving referrals under this program.
- 2) Employers/Training Providers must be, and must remain, in good standing with the Illinois Department of Revenue, the Secretary of State and any and all regulatory agencies which have jurisdiction over their activities.

g) Displacement

- 1) The Grant Diversion sponsor shall not use individuals to displace persons:
- A) who are already employed as regular, full-time or part-time employees of the sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons or any other reason;
- B) who are or have been involved in a labor dispute between a labor organization and the sponsor;
- C) who have been temporarily laid off by the Grant Diversion employer.
- 2) Individuals in the Grant Diversion Component or their representatives may file a grievance with the Illinois Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

Section 121.180(g)(2) (continued)

- A) the name and address of the Grant Diversion individual (the grievant);
- B) the Grant Diversion individual's public aid case number;
- C) the Grant Diversion individual's social security number;
- D) the Grant Diversion employer (work site); and
- E) a statement as to why the Grant Diversion individual believes he/she is causing displacement.
- 3) Within ten (10) days after receipt after a written grievance, the Department will arrange an in-person conference with:
- A) the individual in the Grant Diversion Component;
- B) the representative of the individual in the Grant Diversion Component;
- C) the individual's Grant Diversion employer;
- D) the Grant Diversion employer's representative, if any; and
- E) the Department's representative.

- 4) At the time of the in-person conference, the Department will solicit and receive from the individual in Grant Diversion and the Grant Diversion employer any documents and statements relevant to the matters alleged in the grievance. The Grant Diversion employer shall provide documents or other information requested by the individual and/or the Department.
- 5) Within fifteen (15) days after the in-person conference, the Department will advise the Grant Diversion participant and the Grant Diversion employer in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

- 6) If the Department concludes that displacement occurred, the Department will terminate the individual's assignment to the Grant Diversion employer. If the Department concludes, as a result of the evidence presented at the conference, that the Grant Diversion employer has caused displacement by use of Food Stamp Employment and Training participants in addition to the

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Section 121.180(g)(6) (continued)

grievant in Grant Diversion, then the Department may terminate those individuals assigned to that Grant Diversion employer.

- 7) All individuals assigned to Grant Diversion are assured that no retaliation will be taken against them by the Department, its employees, or the Grant Diversion employer for filing a grievance or otherwise proceeding under this subsection (g).

(Source: Added at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.182 Earnfare Component

- a) Assignment to the Earnfare Component is limited to food stamp individuals who are initially otherwise eligible for Transitional Assistance and who are "employable" and volunteer to participate in Earnfare.

b) Eligibility Criteria

- 1) Eligibility for the Earnfare Component shall be limited to six (6) months out of any twelve (12) consecutive month period.
- 2) Individuals are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit.
- 3) To the extent resources permit, the Earnfare program will allow individuals to work for monthly payments and to improve their employability in order to succeed in obtaining employment.

c) Administration and Contracts

- 1) The Illinois Department shall administer the Earnfare program in Chicago.
- 2) The Illinois Department may enter into cooperative agreements with local governmental units that receive state funds and want to participate in the operation of the Earnfare program outside the city of Chicago. The Department shall establish the policies and procedures for the program and monitor Earnfare programs in local governmental units.
- 3) The Illinois Department may enter into contracts with other public agencies including State agencies, local governmental units, and not-for-profit community based organizations to help

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Section 121.182(c)(3) (continued)

develop Earnfare opportunities and otherwise administer the program.

- 4) The Illinois Department shall provide Worker's Compensation coverage for each individual assigned to Earnfare.

d) Notification and Referrals

- 1) In areas where an Earnfare program is operating, when the Illinois Department or the local governmental unit learns that individuals are in the following categories, it shall inform them in writing and, whenever possible, orally of the existence of Earnfare and the method for requesting an Earnfare referral.

A) Households approved or certified for non-assistance food stamps which do not have net food stamp income in excess of \$154.00 per month;

B) All persons denied or terminated from State Transitional Assistance because they are employable; and

C) All Earnfare participants shall be given a written notice at the time they leave the Earnfare program specifying when they will re-qualify.

- 2) The Illinois Department and participating downstate units shall make referrals to the Earnfare program as follows:

A) Any person may request a referral.

B) Within thirty (30) days after a request for an Earnfare referral:

- i) persons who do not qualify for the Earnfare program shall be given or sent a notice informing them that they do not qualify and will not receive a referral;
- ii) persons who request a referral and who qualify for the Earnfare program shall be provided with a written document that acknowledges the request and informs the individual that he/she is qualified.

- 3) Within thirty (30) days after notice of eligibility, individuals shall be assessed and referred to appropriate Earnfare slots, if slots are available.

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Section 121.182(g)(2) (continued)

- e) For the purposes of Earnfare, a "suitable" Earnfare slot must meet the following requirements:
- 1) there are no questions as to the individual's ability to engage in such employment for medical reasons or because the individual has no way to get to or from the particular job;
 - 2) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
 - 3) the individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
 - 4) there is no unreasonable degree of risk to the individual's health and safety; and
 - 5) the individual is physically and mentally competent to perform the work.
- f) Individuals participating in Earnfare shall not displace or substitute for regular, full-time or part-time employees, regardless of whether the employee is currently working, on a leave of absence, or in a position or similar position where a layoff has taken place or the employer has terminated the employment of any regular employee or otherwise reduced its work force with the effect of filling the vacancy so created with an individual subsidized under this program, or is or has been involved in a labor dispute between a labor organization and the sponsor.
- g) Entry into the Component
- 1) Individuals shall be referred to suitable Earnfare slots with local governmental units, not-for-profit community based and local organizations, other public agencies, including State agencies, and with private employers.
 - 2) To the extent appropriate slots are available, individuals will be referred to suitable Earnfare activities based on an assessment of the individual's age, literacy, education, educational achievement, job training, work experience, and recent institutionalization, whenever these factors are known and are relevant to the individual's success in carrying out the assigned activities and in ultimately obtaining employment. The Department or the participating local governmental unit shall discuss with the individual available Earnfare assignments.

together with any restrictions and qualifications the Earnfare employers have specified for the assignments. The individual's personal preferences for available Earnfare assignments and the individual's employment goals shall be ascertained and considered in making the Earnfare referral.

3) The Department and local governmental units shall maintain up-to-date public listings by area of Earnfare employers and current information regarding openings in those projects. These listings and the information shall be available to the public, in writing or by phone, during regular business hours.

h) Payments

- 1) Individuals participating in Earnfare shall engage in work equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall receive payment for each additional hour of performance in Earnfare activity, up to a maximum of \$154.00 per month. An individual is considered to have participated in Earnfare in any month he/she earns a payment. Individuals will be assigned hours of Earnfare based upon their initial food stamp authorization amount. An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment, for purposes of calculating the Earnfare hours. During an individual's Earnfare participation the Department or the local governmental unit shall alter the Earnfare hours each time the individual's monthly food stamp benefit changes by at least \$20.00, effective the same month as the change in the food stamp benefit. Individuals and contractors will be notified by the Department or the local governmental unit of the number of hours of work to be performed by an individual in Earnfare.
- 2) Individuals remain financially eligible for Earnfare so long as they receive food stamps.
- 3) The Department may pay participants directly or may contract for the Earnfare employer to pay the individual. Payments shall be made no less frequently than monthly. Individuals shall be paid only for the hours they have actually worked in excess of the food stamp hours of work obligation.
- 4) Individuals shall be credited with hours of work that the Earnfare employer certifies them to have completed, according to criteria set forth in the contract with the Illinois Department

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Section 121.182(h)(4) (continued)

or the local governmental unit. The Department or the local governmental unit staff shall attempt to resolve disputes between the Earnfare employer and the individual when there is disagreement over the number of hours worked. If the dispute cannot be resolved, the individual may utilize the Illinois Department's appeal process.

- 5) The Illinois Department or the provider shall, in advance, provide individuals participating in Earnfare who need transportation with the cost of transportation in getting to and from the Earnfare site. Individuals obtaining unsubsidized employment while participating in Earnfare may be eligible for initial employment expenses as stated in Section 121.188.

i) Participation Requirements

- 1) Individuals may volunteer to participate in Earnfare and participation shall be limited to only six (6) months out of any twelve (12) consecutive month period. Individuals participating in Earnfare shall engage in work equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall earn minimum wage assistance for each additional hour of work up to a maximum of \$154.00 per month. Individuals participating in Earnfare first work the number of hours equal to food stamp benefits and subsequently earn financial assistance benefits.

- 2) Individuals are required to report as scheduled and on time to their Earnfare employer when notified of a referral. When they cannot report to their Earnfare assignment or if they will be late, they are to immediately notify their Earnfare employer.

- 3) If the individual demonstrates an inability to sustain the work that has been assigned and the Earnfare assignment was appropriate to the individual's abilities, the Illinois Department shall re-assess the individual and if appropriate shall refer the person to apply for Transitional Assistance or Interim Assistance and federal SSI benefits.

- 4) An individual may be dismissed by the employer from an Earnfare assignment prior to its completion. The Department or local governmental unit shall return an individual dismissed by an employer to the client pool. An individual dismissed by an employer shall be treated as a new program entrant for the purpose of Earnfare assignments. A dismissal from an Earnfare assignment shall not cause a food stamp sanction.

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Section 121.182(i) (continued)

- 5) During Earnfare assignment, individuals are required to accept bona fide offers of suitable employment pursuant to Section 121.162(c)(4).

- 6) During the Earnfare assignment participants are required to apply for suitable jobs for which the provider makes a referral.

(Source: Added at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.184 Sanctions

- a) An individual who fails to cooperate with the Food Stamp Employment and Training program shall be subject to Transitional Assistance sanction and/or food stamp disqualification. Individuals who volunteer to participate in Earnfare are not subject to food stamp disqualifications for non-participation in Earnfare.

- 1) An individual who fails to cooperate with the requirements of the Food Stamp Employment and Training program shall be ineligible for Transitional Assistance for two (2) months and/or shall be disqualified for food stamps for two (2) months. The two month ineligibility and/or food stamp disqualification shall be ended early if the individual actually complies with the appropriate requirement or if the individual becomes exempt.

- 2) Transitional Assistance sanctions and/or food stamp disqualifications shall be imposed against those individuals who refuse or fail to participate without good cause in the Food Stamp Employment and Training program. (See Section 121.186 for good cause.)

- b) Non-cooperation with the Food Stamp Employment and Training program includes one (1) instance of any of the following:

- 1) refusal/failure to respond to a job referral;

- 2) refusal/failure to accept a bona fide offer of suitable employment (see Section 121.162(c)(4));

- 3) discontinuance of suitable employment (including quitting a job after placement and before arrival at job) without good cause (see Section 121.162(d)(1));

- 4) reduction of suitable employment (i.e., hours of employment) without good cause (see Section 121.162(d)(1)); or

NOTICE OF ADOPTED AMENDMENTS

Section 121.184(b) (continued)

- b) use of a supportive service payment (see Section 121.188) for something other than the supportive service for which it was provided.

- c) A Transitional Assistance sanction and/or food stamp disqualification will be imposed when an individual fails to comply without good cause, with the following Food Stamp Employment and Training requirements on one (1) occasion, unless otherwise indicated:

- 1) An individual fails, without good cause, or refuses to respond to a written notice for an appointment. If an individual arrives anytime within thirty (30) minutes after the start of the scheduled meeting, the individual will be considered present. If an individual has good cause (see Section 121.186) for being more than thirty (30) minutes late, the tardiness will be excused. The Food Stamp Employment and Training worker will include the individual in a scheduled group or other meeting or re-schedule the individual for another meeting.

- 2) An individual refuses to accept child care, transportation, family counseling or other social service or employment and training services such as testing or employment counseling without good cause, thereby precluding or interrupting participation or progress in the employability plan;

- 3) An individual fails to cooperate in Job Search one (1) time without good cause (see Section 121.182(g)). Each missed session is considered an instance of non-cooperation. Failure of an individual to make the required twenty (20) employer contacts in a thirty (30) day period shall result in a Transitional Assistance sanction and/or a food stamp disqualification (see Sections 121.162(c)(2));

- 4) Individuals assigned to participate in an Education or a Training component activity must maintain a satisfactory level of attendance as established by the education or training facility. However, failure to attend training or education classes three (3) times in a thirty (30) day period without good cause shall result in a Transitional Assistance sanction and/or food stamp disqualification (see Section 121.186); and

- 5) Failure of an individual to attend training, without good cause, as specified for the Training component shall result in a sanction.

- d) A Transitional Assistance sanction and/or food stamp disqualification

Section 121.184(d) (continued)

shall be imposed only on a nonexempt individual.

- e) No Transitional Assistance sanction or food stamp disqualification will be imposed until Food Stamp Employment and Training staff has sent the individual a written notice scheduling a conciliation meeting and the individual has not shown good cause for non-cooperation and has either failed to attend the meeting without good cause or failed to complete the conciliation process (see Section 121.190). The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause and shall include a definition of good cause. Failure of the mandatory registrant to appear for the scheduled meeting is not considered an instance of non-cooperation.

- f) A Transitional Assistance sanction and/or food stamp disqualification shall be rescinded at any level of the Transitional Assistance sanction and/or food stamp disqualification process up through and until the final agency decision, including any appeal hearing, even if not previously mentioned, if the individual establishes good cause (see Section 121.186 for good cause criteria).

- g) The notice of change form issued for a Transitional Assistance sanction and/or food stamp disqualification shall include the following:

- 1) a description of the acts of non-cooperation with the Food Stamp Employment and Training program, including dates where applicable;
- 2) a statement that the individual's acts were without good cause (see Section 121.186 for good cause criteria) and if the individual provided a good cause reason it must state why the reason was rejected and that the individual failed to successfully complete the conciliation process; and
- 3) the following statement: "You will be sanctioned until (last day of sanction period) or until you comply with the appropriate program requirement or become exempt. In order for Transitional Assistance and Food Stamp Assistance to be restored at the end of the financial sanction and/or food stamp disqualification period with no further gap in assistance, you must file an application for Transitional Assistance and/or Food Stamp Assistance between (date) and (date). If you apply later than (date), there may be a further gap in assistance."

(Source: Added at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.186 Good Cause for Failure to Cooperate

a) If an individual has good cause for not complying with Food Stamp Employment and Training participation requirements, Transitional Assistance shall not be discontinued and/or the food stamp assistance unit shall not be disqualified. Examples of good cause include but are not limited to:

- 1) illness or incapacity;
- 2) court required appearance or temporary incarceration;
- 3) family crisis;
- 4) death in the family;
- 5) sudden and unexpected emergency;
- 6) breakdown in transportation arrangements or lack of reasonably available transportation;
- 7) inclement weather;
- 8) the job referral does not meet appropriate work or training criteria (see Section 121.166);
- 9) lack of any supportive service or other resource as determined by the employability plan (see Section 121.166), even though the necessary service is not specifically provided under the Food Stamp Employment and Training program, to the extent the lack of the needed service presents a significant barrier to participation;

10) if an individual is engaged in employment and/or training that is consistent with the employment related goals of the program, if such employment and training is later approved by Food Stamp Employment and Training program staff (e.g., an individual is unable to attend an Orientation meeting because he/she is already attending GED classes);

11) failure to cooperate due to symptoms of conditions for which an individual has been referred to a rehabilitation treatment program;

12) failure of Department staff to correctly forward the information to the Food Stamp Employment and Training program staff;

Section 121.186(a) (continued)

13) failure of the individual to cooperate because of attendance at a test or a mandatory class or function at an educational program whether or not such a program is officially approved by the Food Stamp Employment and Training program. When Food Stamp Employment and Training workers know in advance of such tests and mandatory classes or functions, they shall schedule Food Stamp Employment and Training activities around them if possible;

14) failure of the individual due to the individual's illiteracy;

15) failure of the individual because it is determined that the individual should be in a different Food Stamp Employment and Training program component; or

16) non-receipt by an individual of a notice advising the individual of a participation requirement, if documented by the individual. Documentation can include, but is not limited to: a written statement from the post office or other informed individual; the notice not sent to an individual's last known address in Department records; return of the notice by the post office; other returned mail; and proof of previous mail theft problems. When determining whether the individual has demonstrated non-receipt, the Department shall take into consideration an individual's history of cooperation or non-cooperation. If the documented non-receipt of mail occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to individuals.

b) The Department will not require an individual to document good cause for non-cooperation unless:

1) the individual has failed to comply with work, training, rehabilitation, or advocacy requirements on at least one other occasion within a sixty (60) day period; or

2) evidence, independent of the explanation of good cause, casts doubt on the individual's explanation.

c) An individual shall not be denied good cause solely on the basis that he or she failed to notify the Department of the good cause in advance of a participation requirement.

(Source: Added at 17 Ill. Reg. 4333, effective March 10, 1993)

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Section 121.188 Supportive Services

- a) Transitional Assistance recipients are eligible to receive supportive service payments in advance, except for orientation, to enable them to participate in the program. Individuals who are otherwise eligible for Transitional Assistance, but do not receive it because they are employable, are eligible to receive transportation payments in advance and initial employment expenses.
- b) During the assessment, the supportive services needed by an individual which must be discussed and provided or arranged as needed include at least the following:

- 1) transportation;
 - 2) employment-related medical services (for example, TB test);
 - 3) vocational rehabilitation;
 - 4) initial employment expenses;
 - 5) required books, fees, supplies; and
 - 6) pre-employment and pre-training physical examinations that are needed but not otherwise provided.
- c) Food Stamp Employment and Training program participation will not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source.

d) Eligible Services1) Transportation

- A) If required and necessary, expenses for transportation will be provided to enable individuals to attend Orientation meetings.
- B) Transportation expenses are to be paid to permit participation in the Job Search, Basic Education, Job Training, Job Readiness, Work Experience, Grant Diversion and Earnfare components.
- C) Transportation payments are made at the most economical rate. If the individual's own automobile is used, the established rate per mile (i.e. 15¢ per mile) will be approved, which includes all vehicle-related expenses.

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Section 121.188(d)(1) (continued)

- D) Transportation expenses are to be paid to go to and from work until receipt of first full paycheck.
- 2) Job Search Expenses
- A) Individuals participating in Job Search will receive an amount not to exceed \$20.00 a month to assist in the payment of job search related expenses.
- B) An allowance of \$5.00 a month will be paid to individuals participating in the Work Experience and Job Readiness components to assist in the payment of job search related expenses.
- 3) Mandatory Fees. Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, including the fee for the GED test, are provided to individuals enrolled in approved education or training programs (see Sections 121.170 through 121.182). A maximum payment of \$300.00 per twelve (12) month period can be provided. No payments are allowed for tuition.
- 4) Books and Supplies. Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which an individual is enrolled. A maximum payment of \$300.00 per twelve (12) month period can be provided.
- 5) Physical Examinations. Payment is permitted for individuals to obtain required physical examinations if the costs are not otherwise provided by sources such as the employer or the training program.
- 6) Initial Employment Expenses
- A) Payment may be provided for employment expenses incurred when requested within thirty (30) calendar days from the date employment begins. These expenses are paid based on the individual's work days during a thirty (30) calendar day period from the date employment begins. The total amount of all Initial Employment Expenses provided shall not exceed \$400 in a twelve (12) consecutive month period. Payment may be made to individuals employed at least twenty (20) hours weekly on a job that is expected to last at

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Section 121.188(d)(6)(A) (continued)

least thirty (30) calendar days, or employed less than twenty (20) hours weekly on a job that is expected to last at least thirty (30) calendar days and total hours of employment plus component activity equal at least twenty (20) hours per week.

B) These expenses include:

- i) Special clothing (maximum \$200);
- ii) Required tools which are not provided by the employer (maximum \$200);
- iii) Repairs of an automobile (maximum \$300);
- iv) Auto license plate fees;
- v) Auto liability insurance at the cheapest rate but not to exceed \$150 or three months coverage, whichever is less costly;
- vi) Transportation expenses at the most reasonable and economical rate, whichever is less. If the mandatory registrant's own car is used, a gas allowance of \$3.00 daily or a rate of 15¢ per mile, whichever is less, shall be authorized;

vii) Child care;

viii) Physical examination prior to employment if required and not provided by the employer;

ix) Other required items related to a specific job (maximum \$300); and

- x) Item(s) or service(s) purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Item(s) and service(s) may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.

C) Initial employment expenses will not be authorized to purchase firearms, pay bail bonds or traffic tickets, or

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Section 121.188(d)(6)(C) (continued)

pay relocation expenses so an individual can accept employment elsewhere.

- D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services licensed child care provider.

- e) These allowances are exempt from consideration in determining the Transitional Assistance grant amount.

(Source: Added at 17 Ill. Reg. 4333, effective March 19, 1993)

Section 121.190 Conciliation and Fair Hearings

- a) The Department shall establish a conciliation procedure to be used upon determining that an individual has refused or failed to comply with a Food Stamp and Employment Training program requirement. The conciliation process will be used to determine the reason(s) an individual did not comply with the Food Stamp Employment and Training program and provide the individual with an opportunity to comply prior to the imposition of a Transitional Assistance sanction and/or a food stamp disqualification.

- b) The conciliation period shall begin the day following the date of the Food Stamp Employment and Training program's discovery of an individual's refusal or failure to comply with program requirements and shall continue for a period not to exceed thirty (30) calendar days. Within this conciliation period, an individual shall receive notice in writing of a meeting to ascertain the reason(s) for the refusal or failure and to determine whether good cause exists. If it is determined that good cause does not exist, the Food Stamp Employment and Training program shall inform the individual of the pertinent Food Stamp Employment and Training program requirements and the consequences of failing to comply. The individual shall be informed of the actions necessary for compliance and the date by which compliance must be achieved to avoid the initiation of Transitional Assistance sanction and/or food stamp disqualification procedures. The compliance date may not exceed the end of the conciliation period. To avoid Transitional Assistance sanction and/or food stamp disqualification, an individual must perform a verifiable act of compliance within the thirty (30) day conciliation period. Verbal commitment by an individual is not sufficient, unless the individual is prevented from complying by circumstances beyond the individual's control, such as unavailability of a component. If

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Section 121.190(b) (continued)

it is apparent that the individual will not comply (for example, the individual refuses to comply and does not have good cause), the Food Stamp Employment and Training program may end the conciliation period early and proceed with Transitional Assistance sanction and food stamp disqualification procedures. The individual's refusal to comply shall be documented in the case record.

If the individual does not comply during the conciliation period, the Food Stamp Employment and Training program shall initiate sanction action no later than the last day of the conciliation period. Transitional Assistance sanction action and/or food stamp disqualification may be cancelled if the Food Stamp Employment and Training program is able to verify that compliance was achieved by the end of the conciliation period.

An individual will be provided with a written notice of sanction, which includes the particular act of refusal or failure to comply and the proposed period of Transitional Assistance sanction and/or food stamp disqualification. The notice shall also specify when the individual may reapply. Information shall also be included, on or with the notice of adverse action, that describes the action which can be taken to end or avoid the Transitional Assistance sanction and/or food stamp disqualification procedures. The individual has the right to request an appeal hearing through the Department's fair hearing process. An individual shall be allowed to examine the Food Stamp Employment and Training program case record at a reasonable time before the date of the appeal hearing, except for confidential information that the Food Stamp Employment and Training program determines should be protected from release. Confidential information not released to an individual may not be used by either party at the hearing.

(Source: Added at 17 Ill. Reg. 4333, effective March 19, 1993)

1) The Heading of the Part:

Drinking Water Systems Code

2) Code Citation:

77 Ill. Adm. Code 900

3) Section Numbers:

- | | |
|-------------|-------------|
| 900.10 | Amendment |
| 900.30 | Amendment |
| 900.40 | Amendment |
| 900.50 | Amendment |
| 900.60 | Amendment |
| 900.65 | Amendment |
| 900.70 | Amendment |
| 900.Table E | New Section |
| 900.Table F | New Section |
| 900.Table G | New Section |
| 900.Table H | New Section |
| 900.Table I | New Section |
| Exhibit A | New Section |
| Exhibit B | New Section |
| Exhibit C | New Section |
| Exhibit D | New Section |

4) Statutory Authority:

The Illinois Groundwater Protection Act
(Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7459)

5) Effective Date of Amendments: March 23, 1993

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain any Incorporations by Reference? No

8) Date Filed in Agency's Principal Office: March 23, 1993

9) Date Notice of Proposed Amendments was Published in the Illinois Register:

16 Ill. Reg. 10870 - July 10, 1992

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- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No

If Yes, Date Agency Response Submitted for Approval to ICAR:

Date Statement of Objection was Published in the Illinois Register:

- 11) Difference Between Proposal and Final Version:

Section 900.30(c) has been revised to read as follows:

The Department shall be notified of the occurrence of any waterborne disease outbreak by the water system operator as soon as the operator has information that such an outbreak has occurred.

In Section 900.50(b)(2) and Section 900.65(b)(1)(A) and (b)(3), the phrase "beginning January 1, 1993" has been deleted.

The first sentence of Section 900.50(b)(4) has been revised to read as follows:

All non-transient, non-community public water systems shall sample for lead and copper in accordance with Table E if they serve a daily population of greater than 3,300. All non-transient, non-community public water systems shall begin sampling for lead and copper in accordance with Table E by July 1, 1993, if they serve a daily population of less than or equal to 3,300.

In addition, various technical changes recommended by the Administrative Code Division and the Joint Committee on Administrative Rules have been made.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

All changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.

- 13) Will the Amendments Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Amendments:

Section 900.10: Terms that are newly used in this rulemaking are defined.

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Section 900.30: A United States Environmental Protection Agency (USEPA) requirement for reporting waterborne disease outbreaks has been added.

Section 900.40: The description of slow sand filtration is clarified. A provision implementing a USEPA requirement is added to specify that all non-community public water supplies which use and treat surface water must increase the disinfectant level in designated parts of the system. Also, such non-community public water supplies must check and record water disinfectant levels daily.

Section 900.50: The amendment establishes maximum contaminant levels and monitoring requirements for inorganic chemicals including lead and copper. These amendments have been mandated by USEPA.

Section 900.60: This amendment requires non-community public water supplies which use surface water to monitor for turbidity on a daily basis. This requirement is mandated by USEPA.

Section 900.65: This amendment establishes maximum contaminant levels and monitoring requirements for organic chemicals which were not previously regulated by the Department. This requirement is mandated by the USEPA.

Section 900.70: This amendment requires non-community public water supplies to resample when coliform bacteria is found in any sample and requires four check samples. In addition, new USEPA requirements are added which stipulate when the laboratory samples are to be considered invalid.

- 16) Information and Questions Regarding this Adopted rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:

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NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

Section 900.10 Definitions

"Applicant" means any person making application for a permit to construct or alter a public water system.

"Cistern" means a source of water supply developed by intercepting rainfall with roof surfaces.

"Confluent Growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in which bacterial colonies are not discrete.

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

"Ct" means the product of the chlorine residual and chlorine contact time at the point of treatment required for 99.9 percent or 3-log inactivation of *Giardia lamblia* cysts.

"Department" means the Illinois Department of Public Health.

"Filtration" means a process for removing particulate matter from water by passing through porous media.

"First Draw Sample" means a one-liter sample of tap water that has been standing in plumbing pipes at least 6 hours and is collected without flushing the tap.

"Groundwater Under the Influence" means surface water or water obtained from a well or a collector which is not in compliance with the Illinois Water Well Construction Code.

"Maximum Contaminant Level" means the maximum permissible level of contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity, where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user are excluded from this definition.

"Non-Transient Non-Community System" means a non-community water system which regularly serves the same 25 or more persons at least 6 months a year.

"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER I: WATER AND SEWAGE

PART 900

DRINKING WATER SYSTEMS CODE

Section

900.10 Definitions

900.15 Incorporated Materials

900.20 General Requirements

900.30 Special Requirements

900.40 Water System Design

900.50 Inorganic Chemicals

900.60 Turbidity

900.65 Organic Chemicals

900.70 Microbiological

900.80 Public Notification

900.90 Record Maintenance and Reporting

900.90 Variances and Exemptions

900.100 Sources of Pollution in Location to Wells and/or Finished Water

TABLE A

TABLE B

TABLE C

TABLE D

TABLE E

TABLE F

TABLE G

TABLE H

TABLE I

EXHIBIT A

EXHIBIT B

EXHIBIT C

EXHIBIT D

EXHIBIT E

EXHIBIT F

EXHIBIT G

EXHIBIT H

EXHIBIT I

EXHIBIT J

EXHIBIT K

EXHIBIT L

EXHIBIT M

EXHIBIT N

EXHIBIT O

EXHIBIT P

EXHIBIT Q

EXHIBIT R

EXHIBIT S

EXHIBIT T

EXHIBIT U

EXHIBIT V

EXHIBIT W

EXHIBIT X

EXHIBIT Y

EXHIBIT Z

EXHIBIT AA

EXHIBIT AB

EXHIBIT AC

EXHIBIT AD

EXHIBIT AE

EXHIBIT AF

EXHIBIT AG

EXHIBIT AH

EXHIBIT AI

EXHIBIT AJ

EXHIBIT AK

EXHIBIT AL

EXHIBIT AM

EXHIBIT AN

EXHIBIT AO

EXHIBIT AP

EXHIBIT AQ

EXHIBIT AR

EXHIBIT AS

EXHIBIT AT

EXHIBIT AU

EXHIBIT AV

EXHIBIT AW

EXHIBIT AX

EXHIBIT AY

EXHIBIT AZ

EXHIBIT BA

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EXHIBIT BO

EXHIBIT BP

EXHIBIT BQ

EXHIBIT BR

EXHIBIT BS

EXHIBIT BT

EXHIBIT BU

EXHIBIT BV

EXHIBIT BW

EXHIBIT BX

EXHIBIT BY

EXHIBIT BZ

EXHIBIT CA

EXHIBIT CB

EXHIBIT CC

EXHIBIT CD

EXHIBIT CE

EXHIBIT CF

EXHIBIT CG

EXHIBIT CH

EXHIBIT CI

EXHIBIT CJ

EXHIBIT CK

EXHIBIT CL

EXHIBIT CM

EXHIBIT CN

EXHIBIT CO

EXHIBIT CP

EXHIBIT CQ

EXHIBIT CR

EXHIBIT CS

EXHIBIT CT

EXHIBIT CU

EXHIBIT CV

EXHIBIT CW

EXHIBIT CX

EXHIBIT CY

EXHIBIT CZ

EXHIBIT DA

EXHIBIT DB

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EXHIBIT DW

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EXHIBIT EA

EXHIBIT EB

EXHIBIT EC

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EXHIBIT EF

EXHIBIT EG

EXHIBIT EH

EXHIBIT EI

EXHIBIT EJ

EXHIBIT EK

EXHIBIT EL

EXHIBIT EM

EXHIBIT EN

EXHIBIT EO

EXHIBIT EP

EXHIBIT EQ

EXHIBIT ER

EXHIBIT ES

EXHIBIT ET

EXHIBIT EU

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EXHIBIT EX

EXHIBIT EY

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EXHIBIT FA

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EXHIBIT FI

EXHIBIT FJ

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EXHIBIT FL

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EXHIBIT FO

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EXHIBIT FQ

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EXHIBIT FU

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EXHIBIT HY

EXHIBIT HZ

EXHIBIT IA

EXHIBIT IB

EXHIBIT IC

EXHIBIT ID

EXHIBIT IE

EXHIBIT IF

EXHIBIT IG

EXHIBIT IH

EXHIBIT II

EXHIBIT IJ

EXHIBIT IK

EXHIBIT IL

EXHIBIT IM

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assumed name, county, municipality, the State of Illinois or any political subdivision or department thereof, or any other entity.

"Potential Primary Source" means any unit at a facility or site not currently subject to a removal or remedial action which is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; or is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances.

(Section 3.59 of the Environmental Protection Act, Ill. Rev. Stat. 1987 1991, ch. 111 1/2, par. 1003.59)

"Potential Route" means abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells, and any excavation for the discovery, development or production of stone, sand or gravel. (Section 3.58 of the Environmental Protection Act, Ill. Rev. Stat. 1987 1991, ch. 111 1/2, par. 1003.58).

"Potential Secondary Source" means any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, which:

is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris:

or stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances: or stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance: or

stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or stores or accumulates at any time more than 50,000 pounds of any de-icing agent: or is utilized for handling livestock waste or for treating domestic

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wastewaters other than private sewage disposal systems as defined in the "Private Sewage Disposal Licensing Act" (Ill. Rev. Stat. 1987 1991, ch. 111 1/2, par. 116.301).

(Section 3.60 of the Environmental Protection Act, Ill. Rev. Stat. 1987 1991, ch. 111 1/2, par. 1003.60).

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term Public Water System includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Community Water System means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days a year.

Non-Community Water System means a public water system that is not a community water system, that has at least 15 service connections used by non-residents, or regularly serves 25 or more non-resident individuals daily for at least 60 days a year and shall include vending machines.

"Sanitary Survey" means an on-site inspection of the water source, facilities, equipment, operation, and maintenance of a public water system for the purpose of evaluating their adequacy for producing and distributing safe drinking water.

"Service Connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

"Slow Sand Filtration" means a process involving passage of raw water through a bed of sand at low velocity resulting in substantial particulate removal by physical and biological mechanisms.

"State" means the State of Illinois, Illinois Department of Public Health or the Illinois Environmental Protection Agency, as appropriate.

"Supplier of Water" means any person who owns or operates a public water system.

"Surface Water" means all water which is open to the atmosphere and subject to surface runoff.

"Too Numerous to Count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter filter used for coliform

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Section 900.40 Water System Design

- a) Siting Requirements. Construction, alteration or expansion of a public water system shall be accomplished so as to:
 - 1) Avoid locating any or all of the facility at a site which is subject to undue risk from earthquakes, floods, or other disasters.
 - 2) Except for the intake structures, avoid locating any or all of the facility within the floodplain of a 100-year flood.
 - 3) Sources of pollution shall be located no closer to wells and finished water storage facilities than indicated in TABLE A. Beginning January 1, 1988, no new non-community water system well may be located within 200 feet of any potential primary or potential secondary source or any potential route, unless specifically allowed in TABLE A. Where the owner of a potable well is the same owner of a potential primary source, potential secondary source, or a potential route, the Department may allow a variance to the minimum separation distances required in this part. Part provided the owner complies with the variance provisions of Section 920.30(c) of the Illinois Water Well Construction Code.
- b) Existing Water System. The sanitary quality of an existing water system shall be determined by a survey of facilities and laboratory analyses of water samples. Defects in facilities or contamination shown present by laboratory analyses, shall be considered sufficient grounds for requiring repairs, chlorination or other treatment, or termination of the use of the system. All repairs, modifications, and alterations to existing wells and pump equipment shall be in accordance with the Illinois Water Well Construction Code (77 Ill. Adm. Code 920), the Illinois Plumbing Code (77 Ill. Adm. Code 890), and the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925). Treatment will not be considered as a substitute for location and construction in accordance with the Illinois Water Well Construction Code. Wells terminating in pits shall not be allowed. Existing pits shall be eliminated and the floor or one wall of the pit shall be broken or removed, the pit shall be filled with compacted earth, and the casing shall be extended to terminate 8 inches above grade.
- c) New Well Construction. All new wells shall be constructed in accordance with the Illinois Water Well Construction Code.
- d) New Pumping Equipment. All new well pumps shall be installed in conformance with the Illinois Water Well Pump Installation Code.
- e) Surface Water. Gravity filtration and disinfection shall be provided as the minimum treatment facilities for all supplies obtained from ponds, lakes, streams, rivers, groundwater under the influence of surface water, and other surface collectors of water. Surface water supply treatment facilities shall be designed, constructed, operated, and maintained as described in the Surface Source Water Treatment Code (77 Ill. Adm. Code 930) or in accordance with "Recommended

detection.

"transient, Non-Community System" means a non-community public water system which does not regularly serve the same 25 people.

"Vending Machine" means a device which provides treatment and/or dispenses a specific amount of water after money has been inserted into the device or after the water has been purchased.

"Waterborne Disease Outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a non-community public water system.

(Source: Amended at 17 Ill. Reg. 4388, effective March 23, 1993)

Section 900.30 Special Requirements

- a) More Stringent Conditions. The Department will require more stringent conditions be placed on the non-community public water system if a potential health problem is detected on the basis of a sanitary survey, laboratory analyses, location of known sources of pollution, condition of the water supply, type of construction or information from previous owners which might indicate the water would be too hazardous to drink. Such conditions include, but are not limited to, sampling for additional contaminants, more frequent sampling for contaminants, or imposing of maximum contaminant levels specified in this Part or Federal National Interim Primary Drinking Water Regulations (40 CFR 141, 1987) or the National Primary Drinking Water Regulations (40 CFR 141 and 142, 52 Fed. Reg. 25690 through 25717, July 8, 1987 and 53 Fed. Reg. 25108 through 25111, July 1, 1988). The Department shall also require treatment or the discontinuance of the use of the non-community public water system, if the system is found to jeopardize public health or if the system is found to contain hazardous substances or disease causing organisms.
- b) Use of Chemical Additives. Chemicals approved for the treatment of water shall include, but are not limited to, chlorine and chemicals used for water softening, flocculation and coagulation. Such chemicals shall be approved if the method of feed and the concentration of these chemicals does not jeopardize the health of the user as determined by the Department pursuant to the level of toxicity of the chemical.
- c) The Department shall be notified of the occurrence of any waterborne disease outbreak by the water system operator as soon as the operator has information that such an outbreak has occurred.

(Source: Amended at 17 Ill. Reg. 4388, effective March 23, 1993)

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Standards for Water Works - Great Lakes Upper Mississippi River Board of State Sanitary Engineers" ("Ten States' Standards"). Where average turbidity, based upon 30 daily samples, of the source exceeds 50 nephelometric turbidity units, complete treatment must be provided in accordance with "Ten States' Standards." All systems which use surface water, in whole or in part shall be operated by personnel which have taken a water treatment course approved by the Department, and have received a certificate or other evidence that the course has been completed satisfactorily, (such as a letter from the school) or shall be operated by personnel which have received certification by the Illinois Environmental Protection Agency as a Class A ~~17-01000--11~~ or Class B ~~17-01000--11~~ public water supply operator. The Department will approve such course provided the course is given by an accredited college or university, the course is at least equivalent to 17-1-4 continuing education units, and the course addresses water filtration, disinfection, water supply and the measurement of disinfectant residual and turbidity. The Department shall make available a list of such approved courses upon request.

f) Springs. Spring water supplies shall not be allowed except where it is impossible to develop a well which meets the water quality and capacity standards of this Part. Where springs are used for potable water, they shall be protected from entry of surface water, shall be housed in a permanent structure, and shall be chlorinated in accordance with Section 900.40 (n). Spring water supplies located in an area with sink-holes or outcropping rock, with a history of periodic discolored discharge, or subject to fecal contamination, as demonstrated by laboratory analysis, shall not be approved unless provided with treatment consistent with that required for surface water.

g) Cisterns. Cisterns shall not be used for public water supply except where groundwater resources will not produce the quantity of water needed for the population to be served. Cistern water shall receive treatment consistent with that required for surface water (See Section 900.40 (e)).

h) Design Capacity. The design capacity for a non-community public water system shall be determined based on the estimated peak demand or the average daily consumption rate obtained from TABLE B.

i) Hydropneumatic Storage. The minimum requirements for designing a hydropneumatic storage system are as follows:

- 1) Well and Pump Sizing. The capacity of the well(s) and pump(s) in a hydropneumatic system shall be at least eight times the average daily consumption rate or shall be sufficient to meet the estimated peak demand, whichever is greater. (Calculate the average daily consumption rate from TABLE B). If it can be shown that a specified amount of water is more appropriate or if the Department can be shown that the storage requirements are excessive, the Department will permit other sizing alternatives dependent upon such things as, but not limited to, water demand at the facility in question or water usage reports from a similar

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facility.

- 2) pressure Tank Sizing. The minimum capacity of the pressure storage tank shall be calculated by the following formula:

$$Q = Q_m (3)/Pf$$

Where Q_m = Pump capacity (g.p.m.)

Pf = Pressure factor obtained from TABLE C.

- 3) Precharged Pressure Tanks. The capacity of a precharge pressure storage tank shall be calculated by the following formula:

$$Q_p = 1.50m/Pf$$

Where Q_p = Precharged pressure tank volume, gal.

- 4) Existing Hydropneumatic Storage. An existing undersized pressure storage system may be allowed provided a history of adequate water supply exists. Major alterations shall comply with all requirements of Section 900.40(i).

j) Storage Reservoir. All nonpressure underground reservoirs shall be constructed of permanently watertight material and shall be provided with a watertight insect proof cover. Examples of permanently watertight materials are steel, plastic, concrete or fiberglass. On new water system installations, all nonpressure storage reservoirs in or on the ground shall be located in such a manner that surface water will flow away from the structure. When the bottom of any such reservoir is located below the ground surface, the reservoir shall be located with respect to sources of pollution as outlined in TABLE A. Where manholes are necessary, they shall have a raised curb and be provided with a cover of the overhanging type. Vents and openings shall be insect-proof and shall be installed so there is no hazard to the sanitary quality of the water supply. Piping shall enter the reservoir through the top of underground tanks or through the exposed vertical extension of the manhole opening. Points of entry must be sealed in a watertight manner. No suction lines may enter the reservoir underground unless protected by an external pipe enclosure maintained at system pressure.

- k) Water Distribution Lines. The system shall be designed to maintain a minimum positive pressure of 20 p.s.i. in all parts of the system at all times. Water pipe shall conform to applicable specifications and standards of the Illinois Plumbing Code (77 Ill. Adm. Code 890) for the type of pipe to be used. The following shall govern the separation of water lines from possible sources of pollution:

- 1) Whenever possible, a water line shall be laid at least 10 feet horizontally from any existing or proposed sewer line.
- 2) Whenever water lines must cross sewers, the water line shall be laid at such an elevation that the bottom of the water line is 18 inches above the top of the sewer. This vertical separation shall be maintained for that portion of the water line located within 10 feet horizontally of any sewer or drain it crosses, said 10 feet to be measured as the normal distance from the water line to the drain or sewer. The sewer shall be constructed of

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cast iron pipe, type K copper, or Drain, Waste and Vent (DWV) plastic pipe (Schedule 40) with water-tight joints for a distance of 10 feet from each side of the water line. All crossings shall be made at right angles.

3) Where conditions prevent the minimum horizontal and/or vertical separation specified above, special consultation shall be obtained from the Department to determine other routes of water piping.

4) No water line shall pass through, or come into contact with, any part of a sewer manhole.

5) There shall be no physical connection between a community water system and a non-community or private water system, unless the non-community or private water system conforms to community water system requirements, as specified by the Illinois Pollution Control Board's Public Water Supplies (35 Ill. Adm. Code 607.104).

6) Lines for potable water shall be laid at least 25 feet horizontally from any underground sewage seepage field.

1) Plumbing Fixture Backflow Protection. The water supply lines shall have no physical connection with nonpotable water supplies. All plumbing shall be in accord with the Illinois State Plumbing Code available from this Department. All plumbing fixtures and other equipment connected to the water system shall be so constructed and installed so as to safeguard the water system from the possibility of contamination through cross-connections or backsiphonage. Laundry units and equipment shall be so constructed and installed so as to prevent the contamination of the contents by the backflow of sewage. When required by the Illinois Plumbing Code (77 Ill. Adm. Code 890), the fixture or appliance shall be connected indirectly with the drainage system by means of an open, funnel-type fitting with a suitable air gap.

m) Drinking Fountains. All outlets established for the provision of drinking water shall consist of drinking fountains in accordance with requirements contained in the Illinois Plumbing Code, or a supply of single service drinking cups shall be provided. Common drinking cups are prohibited.

n) Disinfection. Disinfection may be accomplished with calcium or sodium hypochlorites or gas chlorine. Other disinfecting agents will be considered, providing reliable application equipment is available, and testing procedures for residual are recognized in "Standard Methods for the Examination of Water and Wastewater". Proposals for use of disinfecting agents must be approved by the Department prior to preparation of final plans and specifications. Approval will be given only when the information shows that the chemical to be used as a disinfecting agent will not jeopardize the health of the user and that the chemical will eliminate bacteria from the water supply. Disinfection is required at all surface, spring, and cistern water supplies; and at any groundwater supplies which are of questionable sanitary quality or where any treatment which exposes the water to the

atmosphere is provided. Disinfection shall not be a substitute for proper well location and construction.

1) Chlorination Equipment. The chlorinator shall be designed to provide a free chlorine residual of at least two milligrams per liter in the water after contact time of at least 30 minutes at maximum flow rates. The equipment shall be of such design that it will operate accurately over the desired feeding range. Where flow is uniform, actuation of a constant volume feeder by the pump circuit is required. Where flow is variable, automatic flow proportioning is required.

2) Contact Time and Point of Application. Chlorine shall be applied at a point which will provide the maximum contact time. At facilities treating surface water, chlorine shall be applied to the water after filtration. At facilities chlorinating groundwater, provisions should be made for applying chlorine to the detention basin inlet. Where chlorination is required, minimum free chlorine residual at distant points in a water distribution system shall be at least 0.1 milligram per liter except that systems utilizing surface water as a source, shall have a minimum free chlorine residual of 0.2 mg/l maintained at all distant points in the distribution system and a minimum free chlorine residual of 0.4 mg/l shall be maintained in the water storage tank. The point-of-application-and-withdrawal-shall-be pipe carrying water from the filter shall terminate at no-more-than-3-inches-below the water surface of the storage tank. Water shall be withdrawn from inside a solid pipe at which-extends-at least-3-inches-above-the-highest-points-of-the-water-level--to a point not more than 3 inches above the bottom of the water storage tank. Those systems utilizing surface water as a source and groundwater under the influence of surface water shall be which-are-not designed in accordance with the Surface Water Treatment Code (77 Ill. Adm. Code 930), and shall meet disinfection requirements and CT values of 40 CFR 141 and 142 (1990)7--54-Fed-Reg--27486-through-275417-June-29-1989.

3) Testing Equipment. Chlorine residual test equipment capable of measuring free chlorine residuals shall be provided and should be capable of measuring residuals to the nearest 0.1 mg/l in the range below 0.5 mg/l, to the nearest 0.3 mg./l between 0.5 and 1.0 mg/l, and to the nearest 0.5 mg/l between 1.0 mg/l and 2.0 mg/l. Systems utilizing surface water as a source shall test the chlorine residual in the distribution system daily and keep a record of the results. Whenever the chlorine residual falls below the values specified in subsection (n)(2) above, the supplier of water shall notify the Department as soon as possible but no later than the end of the next business day.

4) Hypochlorinator. Positive displacement pumps shall be provided to inject hypochlorite solution. The pump shall be of variable flow type and shall be of sufficient capacity to feed the required amount of disinfectant. If calcium hypochlorite is

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used, the concentration of calcium hypochlorite in the solution shall not exceed 5 percent. The solution container shall have a minimum capacity equal to the volume of solution required per day. The hypochlorinator shall be interlocked with the pump so that both will start and stop together.

5)

Gas Chlorinators.

A) The chlorine supply and gas feeding equipment shall be in a separate, air-tight room. The room shall be provided with an exhaust system which takes its suction not more than 8 inches from the floor and discharges out-of-doors in a direction to minimize exposure to toxic fumes. The fan shall be capable of producing one air change per minute. Means for introducing a fresh air supply to the enclosure shall be provided through appropriate openings, such as filters, grill openings, etc., at a high point opposite the exhaust fan intake. The room shall have a window at least 18 inches square and artificial illumination so that the chlorinator equipment is visible from the operating area outside the room. Electrical switches for lighting and ventilation shall be outside the room and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided and should have the platform at floor level.

B) All chlorine cylinders, both full and empty, shall be anchored to prevent their falling over.

C) The chlorine feeding device shall be designed so that during interruptions of the flow of the water supply, gas feed is automatically terminated. Chlorinator vent lines shall terminate out-of-doors.

D) The gas feed equipment shall be solution feed type capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.

E) The water supply for the gas feeding equipment shall produce the flow rate and pressure required according to the manufacturer's specifications for proper operation of the equipment. The release of chlorine shall be automatically terminated when the pump is shut off. The water supply line to the chlorine injector shall be equipped with an electric shut-off valve interlocked with the pump and shall be equipped with a suitable backflow preventer.

F) A self-contained breathing apparatus designed for use in a chlorine atmosphere shall be provided. A record shall be kept of the breathing apparatus usage to insure that it will be serviceable when needed and it shall be kept in a closed cabinet, accessible without a key, located outside of the room in which the chlorinator is located, and preferably outside the entrance to the equipment room. Gas chlorinators shall be repaired and operated only in accordance with the manufacturer's directions. The

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owner/operator shall determine the appropriate emergency personnel to contact in the event of a chlorine gas emergency, and have the telephone number of emergency personnel conspicuously posted within view of operating personnel.

6) General. The chlorinator water supply piping shall be designed to prevent contamination of the treated water supply by sources of questionable water which may be contaminated. Housing must be provided for the chlorination equipment and for storing the chlorine.

a) Hauled Water. When it is necessary to use hauled water as a source of public supply, the water shall be obtained only from a regulated public water system.

1) Transport Equipment. Equipment used for hauling water, including tank trucks or trailers, hoses, etc., shall be used only for handling potable water. In an emergency, equipment used for handling other potable materials, such as milk, syrup, etc., may be used after cleaning and disinfection with not less than 100 ppm of free chlorine.

2) Storage Facilities. Equipment used for the storage of hauled water shall be used only for that purpose and shall be constructed in accordance with Section 900.40(j) (k).

P) Vending Machines. Vending machines which serve water to the public shall meet the following conditions:

1) The source of water to a vending machine shall be obtained from a community water system or a supply which meets the construction and location requirements of this Part.

2) A dual check backflow device approved in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890) shall be installed in the water supply pipe between the vending machine and the source of water.

3) An air gap shall be provided between the water dispensing spout and the water container which is at least equal to 4 times the diameter of the water dispensing supply pipe.

4) The machine shall be kept in an area which is free of dirt and debris and the area shall be maintained to prevent insect and rodent harborage.

5) Any overflow or discharge of water from the vending machine shall be indirectly connected to a sewer or to waste in accordance with the Illinois Plumbing Code.

q) Sample Siting Plan. All non-community supplies shall designate sampling points from which to collect all required samples. If a kitchen tap is available, one sample shall be taken from this location.

(Source: Amended at 17 Ill. Reg. 4388, effective March 23, 1993)

- a) Maximum Contaminant Levels.
- 1) Nitrate. The maximum contaminant levels for Nitrate in a non-community public water system shall not exceed 10 mg/l (as nitrogen (N)). Nitrate levels not to exceed 20 mg/l as N may be allowed in a non-community water system if the supplier of water demonstrates that:
 - A) Such water will not be available to children under 6 months of age.
 - B) There will be continuous posting of the fact that nitrate levels exceed 10 mg/l as N and the potential health effects of exposure.
 - 2) Nitrite. The maximum contaminant level for nitrite in a non-community public water supply shall not exceed 1 mg/l as N.
 - 3) The maximum contaminant levels for the following inorganic chemicals shall not be exceeded in a non-transient, non-community public water system:

Chemical	Maximum Contaminant
A) Asbestos	7 million fibers/liter
B) Barium	2.5 mg/l
C) Cadmium	0.005 mg/l
D) Chromium	0.1 mg/l
E) Mercury	0.002 mg/l
F) Selenium	0.05 mg/l
G) Fluoride	4 mg/l
H) Lead	0.015 mg/l
I) Copper	1.3 mg/l

- 4) Lead and Copper Action Levels.
- A) Lead. The lead action level is exceeded if the concentration of lead in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with subsection (b)(4) below is greater than 0.015 mg/l. For systems collecting fewer than 10 samples, the lead action level is exceeded if the average of the two highest samples exceeds 0.015 mg/l.
 - B) Copper. The copper action level is exceeded if the concentration of copper in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with subsection (b)(4) below is greater than 1.3 mg/l. For systems collecting fewer than 10 samples, the copper action level is exceeded if the average of the two highest samples exceeds 1.3 mg/l.

- b) Monitoring.
- 1) Nitrate and Nitrite
 - A) Nitrate---and---Nitrite---(except---non-transient, transient, non-community systems non-community). Analysis for nitrate and---nitrite shall be conducted annually and one sample for

nitrite shall be collected initially on all non-community public water systems. ~~which use surface water as a source and once every three years on all other non-community public water systems, except non-transient, non-community public water systems.~~ Analysis for nitrite shall be conducted within 12 months whenever any sample for nitrate exceeds the maximum contaminant level. In addition, analysis shall be conducted within 12 months whenever any nitrite analysis is found to exceed the maximum contaminant level. The Department shall send out sample bottles to all water suppliers and require that the suppliers collect the sample and return it to the designated Department laboratory.

- B) Nitrate---and---Nitrite---(Non-transient, non-community and surface water systems). Analysis for nitrate and---nitrite shall be conducted annually and one sample for nitrite shall be conducted initially on all surface water and non-transient, non-community public water systems, except that---such---analysis Sampling for both chemicals must be conducted quarterly when the concentration of either chemical is equal to or greater than 50 percent of the maximum contaminant level in---any---one---sample---for---either chemical. In such cases, the sampling frequency must remain quarterly until four consecutive quarterly samples are less than 50 percent of the maximum contaminant level for either chemical.

- 2) Inorganic Chemicals. Non-transient, non-community public water systems shall monitor for barium, cadmium, chromium, fluoride, mercury and selenium once every three years where the system uses groundwater as a source and annually where the system uses surface water, in whole or in part as a source. Whenever the maximum contaminant level for any chemical is exceeded in a system using groundwater as a source, sampling for that chemical shall be conducted quarterly until two consecutive samples are less than the maximum contaminant level for that chemical. Whenever the maximum contaminant level for any chemical is exceeded in a system using surface water as a source, sampling for that chemical shall be conducted quarterly until four consecutive samples are less than the maximum level for that chemical. The sampling monitoring requirements for a system using groundwater or surface water as a source shall be reduced to once every nine years provided:

- A) Systems using surface water have been sampled monitored annually for at least three years and systems using groundwater as a source have conducted sampling once every three years for nine years; at---least---three---rounds---of monitoring and
- B) All results are less than 50---percent---of the maximum contaminant levels for these inorganic chemicals.

- 3) Asbestos

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A) Non-transient, non-community public water systems are not required to sample monitor for asbestos unless the Department determines the system is vulnerable to asbestos contamination in its source water or due to corrosion of asbestos pipe, or both. The Department shall consider the system vulnerable to asbestos contamination where ~~any of the following are met:~~ A) A source of asbestos material exists in the water source, or B) asbestos Asbestos pipe is used in the water distribution system.

B) Vulnerable Systems.
If the system is determined by the Department to be vulnerable to asbestos contamination, the system shall monitor for asbestos. If the initial or any sample result is greater than ~~or equal to~~ 50 percent of the maximum contaminant level for asbestos in a system using groundwater as a source, the system must sample monitor quarterly until two consecutive samples are less than the maximum contaminant level. If the initial or any sample result is greater than the maximum contaminant level in a system using surface water as a source, the system must sample quarterly until four consecutive samples are less than the maximum contaminant level. Thereafter, systems are required to resample every three years. ~~once every three years--if the water source is groundwater and annually if the water source is surface water--in whole or in part--if the initial sample result is less than 50 percent of the maximum contaminant level for asbestos, the system is not required to monitor unless the Department has determined that asbestos has been introduced into the source of the supply--this shall be determined by a survey of the surrounding site of the water source--~~ If the initial sample for asbestos is equal to or less than the maximum contaminant level, the system shall resample every 3 years.

4) Lead and Copper. All non-transient, non-community public water systems shall sample for lead and copper in accordance with TABLE E if they serve a daily population of greater than 3,300. All non-transient, non-community public water systems shall begin sampling for lead and copper in accordance with TABLE E by July 1, 1993, if they serve a daily population of less than or equal to 3,300. All systems shall collect samples for lead and copper initially in accordance with the sample frequency in TABLE E every 6 months. A system which does not exceed the action levels for lead or copper in any sample during each of two consecutive 6 month periods may reduce the sampling frequency to annually in accordance with TABLE F. A system which does not exceed the action levels for lead and copper for three consecutive years of monitoring shall collect a sample for lead and copper from the number of sampling sites in accordance with TABLE F once every three years. All tap samples for lead and copper shall be first

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draw samples and shall be collected at a cold water interior tap from which water is typically used for consumption. Each sample shall be one liter in volume and have stood motionless in the plumbing piping for at least 6 hours. Samples shall be taken from copper pipes with lead solder installed January 1, 1983, or later or which contain lead piping. If there are an insufficient number of sampling sites meeting this condition, the system shall use sampling sites that contain copper pipes with lead solder installed before January 1, 1983. A system which exceeds the action levels for lead or copper shall perform the following:

A) Sample Collection. The supplier shall perform the following:
Collect water Quality Parameters. The supplier of water shall collect two tap samples for each water quality parameter from the number of sampling sites specified in accordance with TABLE G every 6 months and submit all results to the Department within 30 days of analysis. A system which maintains water quality parameters reflecting corrosion control for 2 consecutive 6 month periods may reduce the number of tap samples collected and must collect each water quality parameter from the number of sampling sites specified in accordance with TABLE H every 6 months. A system which maintains water quality parameters reflecting corrosion control for 3 consecutive years of sampling may reduce the frequency with which water quality parameters are collected to annually in accordance with TABLE H. Water quality parameters shall include the following:

- i) pH;
- ii) alkalinity;
- iii) calcium;
- iv) conductivity;
- v) water temperature;
- vi) orthophosphate (only required when an inhibitor with a phosphate compound is used); and
- vii) silica (only required when an inhibitor with a silicate compound is used).

C) Corrosion Control Program. The supplier of water shall initiate an effective corrosion control program. Systems which serve more than 3,300 people daily shall begin the corrosion control program within 18 months, and systems which serve 3,300 people or less daily shall begin the corrosion control program within 24 months. The supplier shall report to the Department in writing explaining how the corrosion treatment has been installed and how it will be maintained and operated, and any chemicals used and their dosages which will be applied. Such a corrosion control program shall be approved by the Department. Approval of the program shall be based upon the ability of the program to provide water treatment which will result in a less

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corrosive water. Such a program may include adding chemicals to control pH or alkalinity as a minimum.

i) Ineffective Program. Where the corrosion control program does not reduce the levels of lead and copper below maximum levels, the systems shall remove sources of lead from the plumbing system.

ii) Effective Program. The corrosion control program shall be considered effective where the Saturation Index which indicates water corrosivity has a value of greater than zero. The Saturation Index shall be calculated by the formula $\text{Saturation Index} = (9.30 + A + B) - (C + D)$ where the values of A, B, C and D are obtained from TABLE I, Exhibit A, B, C and D respectively.

D) Provide Public Education. A public education program is required within 60 days of when the action level for lead has been exceeded. The supplier of water shall undertake a public education program to inform consumers that levels of lead have exceeded the action level and of ways they can reduce their exposure to potentially high levels of lead in drinking water. This can be accomplished by posters at the tap or other information such as pamphlets which are distributed to users of the water. In addition, the supplier shall make available and distribute information provided by the Department. Such information shall be placed in a common area in each building served by the system. This program shall be repeated at least once during each calendar year in which the system exceeds the lead action level. By December 31 of each year, any system required to perform a lead public information program shall submit a letter to the Department demonstrating that the system has delivered the public education and information materials as described in this Section.

E) Reporting Information. Non-transient, non-community systems shall report the following information to the Department for all tap samples within the first 10 days following the end of each required sampling period required in subsection (b)(4) above:

- i) the results of all lead and copper tap samples including the location of each site and the criteria under which they were selected in compliance with subsection (b)(4)(B)(i) and (ii) above;
- ii) a certification which may be in the form of a letter that each first draw sample collected is one liter in volume and, to the best of their knowledge, stood motionless in the plumbing system or lead service pipe for at least 6 hours; and
- iii) the results of all water quality tap samples required in subsection (b)(4)(A) above.

F) Source Water Monitoring. The supplier of water shall collect a sample for lead and copper to determine their concentrations in the source water and to determine if treatment to remove these metals from the source water is needed where lead has been found previously in the source supply or where a lead contamination source exists.

- c) Maximum Contaminant Level Exceeded.
 - 1) Nitrate and nitrite. If the result of an analysis for nitrate and nitrite in a non-community public water system exceeds the maximum contaminant level, the taking of a second sample shall be initiated within 24 hours, and the average of the two analyses determined.
 - 2) Maximum Contaminant Level Violations. If the averaged results for nitrate and nitrite in a non-community public water system exceed the maximum contaminant level, the supplier of water shall give notice to the public in accordance with Section 900.80 of this part, and begin monitoring the contaminant in question at a frequency established by the Department and shall continue until the maximum contaminant level has not been exceed in two successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action becomes effective. If the system is a non-transient, non-community system, the system shall sample in accordance with subsection (b)(1)(B) above. Any frequency established by the Department will depend upon the season, location in relation to agricultural areas and previous fluctuations in nitrate and nitrite concentrations.
 - d) When any of the contaminant levels in this Section are exceeded, the supplier of water shall notify this Department as soon as possible. However, such notification shall be made not later than the end of the next day.

(Source: Amended at 17 Ill. Reg. 4388, effective March 23, 1993)

Section 900.60 Turbidity

- a) Maximum Contaminant Levels. The maximum contaminant levels for turbidity in non-community water systems which use surface water in whole or in part, measured at a representative entry point to the distribution system, shall not exceed one turbidity unit (TU) in any sample, except that turbidity values greater than one and equal to or less than 5 TU may be allowed in 95 percent of the samples taken during a month if the supplier of water can demonstrate to the Department that the higher turbidity does not do any of the following:
 - 1) Interfere with disinfection.
 - 2) Prevent maintenance of an effective disinfectant residual throughout the distribution system.
 - 3) Interfere with microbiological determinations.
- b) Monitoring. Samples shall be taken by the supplier of water of

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non-community water systems at a representative entry point(s) to the water distribution system at least once every four hours. Sampling frequency for turbidity may be reduced in a non-community public water system to once per day if the following conditions are met:

- 1) The supply has a filtration system designed, constructed, operated and maintained as described in the Surface Source Water Treatment Code (77 Ill. Adm. Code 930).
- 2) Minimum free chlorine residual at distant points in the distribution system is at least 0.2 milligram per liter.
- 3) Written approval from the Department has been issued. Approval will be based upon compliance with the above items.
- c) Maximum Contaminant Level Exceeded. If the results of a turbidity analysis indicate that the maximum allowable limit has been exceeded, a second sample shall be analyzed as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum contaminant level has been exceeded, the supplier of the water shall report to the Department as soon as possible but not later than the end of the next business day within 48 hours. The repeat sample shall be used to calculate the monthly average. If the monthly average exceeds the maximum contaminant level, or if the average of two samples taken on consecutive days exceeds 5 Turbidity Unit (TU), the supplier of water shall report to the State and notify the public as directed in Section 900.80.

(Source: Amended at 17 Ill. Reg. 4388, effective March 23, 1993)

Section 900.65 Organic Chemicals

- a) The maximum contaminant levels for the following organic chemicals shall not be exceeded in a non-transient non-community water system:

1) Chemical (Volatile Organic)	Maximum Contaminant Level
A) Benzene	0.005 mg/l
B) Carbon tetrachloride	0.005 mg/l
C) 1,2-Dichloroethane	0.005 mg/l
D) Trichloroethylene	0.005 mg/l
E) Para-dichlorobenzene	0.075 mg/l
F) 1,1-Dichloroethylene	0.007 mg/l
G) 1,1,1-Trichloroethane	0.20 mg/l
H) Vinyl chloride	0.002 mg/l
I) cis 1,2 - Dichloroethylene	0.07 mg/l
J) 1,2 - Dichloropropane	0.005 mg/l
K) Ethylbenzene	0.7 mg/l
L) Monochlorobenzene	0.1 mg/l
M) o-Dichlorobenzene	0.6 mg/l
N) Styrene	0.1 0-005 mg/l

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2) Chemical (Pesticides, Herbicides) and Polychlorobiphenols (PCBs)	Maximum Contaminant Level
O) Tetrachloroethylene	0.005 mg/l
P) Toluene	1 2 mg/l
Q) trans-1,2-Dichloroethylene	0.1 mg/l
R) Xylene	10 mg/l
A) Alachlor	0.002 mg/l
B) Aldicarb	0.003 mg/l 0-01-mg/l
C) Aldicarb sulfone	0.003 mg/l 0-04mg/l
D) Aldicarb sulfoxide	0.004 mg/l 0-01-mg/l
E) Atrazine	0.003 mg/l
F) Carbofuran	0.04 mg/l
G) Chlordane	0.002 mg/l
H) 1,2 Dibromo-3-Chloropropane (DBCP) Dibromochloropropane	0.002 mg/l
I) 2,4-D	0.07mg/l
J) Ethylene dibromide	0.0005 mg/l
K) Heptachlor	0.004 mg/l
L) Heptachlor epoxide	0.002 mg/l
M) Lindane	0.002 mg/l
N) Methoxychlor	.04 0-4 mg/l
O) Polychlorinated biphenyls-PCBs	0.0005 mg/l
P) Pentachlorophenol	0.001 mg/l 0-2-mg/l
Q) Toxapnene	0.003 0-005 mg/l
R) 2,4,5-TP(Silvex)	0.05 mg/l

- b) Sampling Monitoring.

1) Volatile Organic Chemicals

- A) All non-transient, non-community water systems shall perform initial sampling quarterly for one year sample-intensity for the organic chemicals in Section-900-65 subsection (a)(1) above. The four quarterly samples are not required provided sampling was conducted for the chemicals in subsection (a)(1) above prior to January 1, 1993, and provided none of the chemicals were detected. After this initial sampling, the system must resample for these chemicals every 6 years provided none of the chemicals have been detected in any initial quarterly sampling and the Department has determined that the system is not vulnerable to contamination by these chemicals and the Department has granted a written waiver to allow reduced sampling every six years. If any of these chemicals are detected in any of the initial quarterly samples or if the Department has determined that the system is vulnerable to contamination by these chemicals, resampling for the chemicals detected shall be conducted as

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follows:

- i) Groundwater systems. Systems using groundwater as a source shall collect samples for two additional consecutive quarters. If all quarterly samples are less than the maximum contaminant level for these chemicals, the system shall reduce the resampling frequency to annually for three years. The system shall then reduce the sample frequency to every 6 years provided chemicals have not been detected during the previous three years of annual sampling.
- ii) Surface water systems. Systems using surface water as a source shall collect samples for four additional quarters. If all quarterly samples are less than the maximum contaminant level for these chemicals, the system shall reduce the resampling frequency to annually for three years. The system shall then reduce the sample frequency to every 6 years provided chemicals have not been detected during the previous three years of annual sampling.

Systems which serve a population of less than 3,300 people shall begin the sampling by July 1, 1995, systems which serve between 3,300 and 10,000 shall begin the sampling by July 1, 1993, and systems which serve more than 10,000 people shall begin the sampling by July 1, 1992 for the organic chemicals in Section 900-65(a)(1) through R. All systems shall begin sampling for the chemicals listed in Section 900-65(a)(1) through (H) by January 1, 1991. After sampling has begun, sampling shall be conducted on a quarterly basis for one year unless the first quarterly sample does not detect any of these chemicals and the Department has determined that the system is not vulnerable to contamination by these chemicals. Thereafter, the system shall perform repeat monitoring for these chemicals once every five years. Systems which detect any of these chemicals in any repeat monitoring for these chemicals once every five years for all of which detect any of these chemicals in any repeat monitoring are required to sample quarterly for three years for all of the chemicals detected. Systems which detect none of the chemicals may reduce sampling to annually provided none of the chemicals detected is greater than the maximum contaminant level for any chemical during the previous three years of quarterly sampling.

B) The system shall be considered vulnerable to contamination by any of the chemicals listed in Section 900-65 subsection (a)(1) above when any of the following are met:

- i) All previous sampling data from the system indicates the presence of any of these chemicals.
- ii) All the system is within 200 feet of a well where these chemicals have been detected.
- iii) The aquifer serving the water well indicates by previous sample results the presence of any of these

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chemicals, and that the chemical contaminant is moving in the direction of the water well and is expected to enter the well.

- iv) B) The water supply is within 200 feet of an area or business where any of these chemicals are stored, distributed or manufactured or is within 200 feet from an area used as a landfill intended to receive waste products.
- v) The water well serving the supply is not in compliance with the Illinois Water Well Construction Code.
- 2) All non-transient, non-community public water systems shall sample for the chemicals listed in accordance with 40 CFR 141 and 142, 52 Fed. Reg. 25690 through 25717, July 8, 1987, and submit the results of these analyses to the Department within 30 days of the analysis or shall submit a letter to the Department requesting the Department to perform sampling.
- 3) Pesticides, Herbicides and PCBs
- A) Non-transient, non-community public water systems shall perform initial sampling quarterly for one year are required to sample for the chemicals listed in Section 900-65 subsection (a)(2) above provided the Department determines that the system is vulnerable to contamination by any of the these chemicals; unless if the Department determines the system is not vulnerable to contamination by a specific chemical in Section subsection 900-65(a)(2) above, and a written waiver is granted by the Department. In such case, the system is required to sample for that specific chemical in accordance with subsection (b)(3)(D) below. If the Department does not grant a waiver to sampling for the chemicals in subsection (a)(2) above, the system shall perform the initial quarterly sampling for one year, and the system shall continue sampling in accordance with subsection (b)(3)(C) below.
- B) The system shall be considered vulnerable to contamination by a specific chemical or chemicals in subsection (a)(2) above when any of the following are met:
- i) Previous sampling data from the system indicates the presence of any of these chemicals.
- ii) The water supply is within 200 feet of an area in which any of the chemicals are stored, distributed or manufactured or is within 200 feet from a landfill or area intended to receive waste.
- iii) The aquifer serving the water well indicates by previous sample results, the presence of any of these chemicals and that the chemical contaminant is moving in the direction of the water well and is expected to contaminate the well.
- iv) Nitrate levels in the water supply exceed 10 mg/l in two consecutive samples.

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- v) Equipment used in the production, storage or distribution of water in the system contains PCBs.
 vi) The water supply uses surface water as its source and the surface water is received from runoff from agricultural land where pesticides are used.
 vii) The water well serving the supply is not in compliance with the Illinois Water Well Construction Code.

C) B) Where the system is determined to be vulnerable to contamination or any chemicals have been detected, the system shall continue to sample for these chemicals as follows: the system shall monitor for the specific chemical quarterly for one year.

- i) Systems using groundwater as a source shall sample for 2 additional quarters. in accordance with the following: chemicals not detected: when none of the chemicals is detected during the first year, repeat monitoring shall be required once every five years. If sample results are less than the maximum contaminant levels for these chemicals chemicals detected: when any chemical is detected, repeat sampling monitoring shall be conducted annually for any chemical detected for three years. If the chemical chemicals have not been detected during this three year period, the system shall repeat sampling monitoring for all the specific chemical chemicals every three years.

- ii) Surface Water Supplies. Systems which are required to sample and use surface water as a source shall sample for 4 additional quarters. If sample results are less than the maximum contaminant levels for these chemicals, repeat sampling shall be conducted annually during this 3 year period, the system shall repeat sampling for all chemicals every 3 years. in accordance with the following:

chemicals not detected: when none of the chemicals is detected during the first year, repeat monitoring shall be conducted quarterly for one year every five years.

chemicals detected: when any chemical is detected in any sample taken during the first year of monitoring or any subsequent monitoring, the system shall monitor annually for any chemical to which it is determined to be vulnerable;

- b) Where the system is determined not to be vulnerable to contamination and the Department has granted a written waiver, the system shall monitor for the chemicals in subsection (a)(2) above as follows:

- i) Systems serving less than 3,300 persons daily shall repeat sampling every 3 years.

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- iii) Systems which serve 3,300 persons or more daily shall sample for two additional consecutive quarters. If no chemicals are detected in this quarterly sampling, the system shall repeat sampling every 3 years.

- c) Maximum Contaminant Level Exceeded. When any contaminant levels in subsection 900-65(a) above are exceeded, the supplier of water shall notify the public served as prescribed under Section 900.80, and the supplier of water shall notify the Department as soon as possible, but not later than the end of the next business day.

(Source: Amended at 17 Ill. Reg. 4388, effective March 23, 1993.)

Section 900.70 Microbiological

- a) Maximum Contaminant Level. The maximum contaminant level for coliform bacteria is applicable to non-community water systems.

- 1) Membrane Filter. When utilizing the membrane filter technique, there shall be no coliform per 100 milliliters in any sample.
 2) Fermentation Tube. When utilizing the fermentation tube technique, and either 10 milliliter or 100 milliliters standard portions, there shall be no coliform bacteria present in any portion in any sample.

- 3) There shall be no fecal coliform or E. Coli present in any routine, check or repeat samples.

- b) Monitoring. Water samples shall be taken at points which are representative of the conditions within the distribution system.

- 1) The supplier of water for a non-community water system utilizing a source other than groundwater shall take water samples for coliform analyses based upon population served in accordance with the sample frequency in TABLE D when the system serves more than 1,000 persons per day in any month, however, in all cases a surface water supply system shall take samples at regular time intervals at least twice per month. If the Department, on the basis of the results of a sanitary survey, determines that some other increased frequency is required to better monitor the contaminant level of the water source, that shall be the frequency required. A more frequent sampling shall be required if a potential source of contamination is found to exist.

- 2) The supplier of water for a non-community water system, utilizing a groundwater source, unless otherwise regulated pursuant to specific statutes shall take water samples for coliform analyses in each calendar quarter during which the system provides water to the public. However, when the system serves more than 1,000 persons per day in any month, the supplier of water shall take water samples for coliform analyses at the frequency required in TABLE D based upon population served. In addition to the monitoring requirements of this Section, an increased monitoring frequency may be required in accordance with the requirements of

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depend upon the severity of the contamination and any previous history of the water supply.
B) Notify the public served, as prescribed under Section 900.80, unless the Department determines that no health hazard has actually existed based upon investigation or knowledge of the circumstances.
C) Notify the Department immediately upon receipt of sample analysis.

3) Sample Location. The location at which the check samples were taken shall not be eliminated from future sampling.

d) Special Purpose or Check Samples

1) The results from all coliform bacterial analyses, except those obtained from check-samples and special purpose samples, invalid samples or samples with unreliable examination results, shall be used to determine compliance with the maximum contaminant level for coliform bacteria.

2) Check samples shall not be included in calculating the total number of samples taken each month to determine compliance.

3) Special purpose samples, such as those taken to determine whether disinfection practices following pipe placement, replacement or repair have been sufficient, shall not be used to determine compliance.

4) Samples with unreliable examination results caused by factors beyond control of the water supplier, i.e., excessive transit time between collection and examination of the sample, samples being broken in transit, or interference in test results by other contaminants, shall not be used. In this case, another sample collected immediately upon learning of these results may be used to determine compliance, except that a single sample may not be attributed to more than one monitoring period.

5) Invalid sample. A sample shall be considered invalid if a turbid culture without the production of gas is found in the Multiple Table Fermentation or the Presence/Absence Test. Samples reported as confluent growth or too numerous to count, without coliform, when using the Membrane Filtration test shall also be considered invalid. In all cases of invalid samples, a resample must be taken within 24 hours. This resample will replace the invalid result.

(Source: Amended at 17 Ill. Reg. 4388, effective March 23, 1993)

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Section 900.30. The Department shall reduce this sampling frequency provided the system complies with all the following:

A) The supply serves less than 1,000 persons per day in any month.

B) The supply is served by a groundwater source.

C) A sanitary survey has been completed indicating compliance with this Part.

D) At least four consecutive quarterly negative coliform samples have been taken over the past year.

E) In no case shall the sampling frequency be less than annual.

F) No other source of potential contamination is found to exist.

c) Maximum Contaminant Level Exceeded

1) Check Sample, Repeat Sample. When the coliform bacteria in a single sample from a non-community water system exceeds the maximum contaminant level, four additional check samples or repeat samples shall be collected. At least one check sample shall be taken from the original sample location, one downstream within 5 service connections, and one upstream within 5 service connections, from the same sampling point within 24 hours from the time the system has been notified of the sample results. If the system has only one service connection, all check and repeat samples shall be taken at the original sampling point. and if If the system collects fewer than five routine samples each month it shall collect for analyses a set of five additional samples the next month the system provides water to the public. If a subsequent sample has already been taken from the same sampling point, it shall be considered a check sample. If any routine or repeat sample is total coliform-positive, the supplier shall analyze that total coliform-positive culture medium to determine if fecal coliforms are present, except that the supplier may test for E. Coli in lieu of fecal coliforms. If fecal coliforms or E. Coli are present, the supplier shall notify the Department by the end of the day when the supplier is notified of the result, unless the supplier is notified of the result after the Department office is closed, in which case the supplier shall notify the Department before the end of the next business day. The supplier need not notify the Department if the original sample was analyzed in a Department laboratory.

2) Maximum Contaminant Level Violations. When the presence of coliform bacteria in water taken from a particular sampling point has been confirmed by examination of a check sample, the supplier of water shall:

A) Initiate an investigation, and collect additional samples from the same point daily, or at intervals established by the Department, until the results obtained from each of four two consecutive check samples show less than one coliform bacterium per 100 milliliters, or no positive portions. Sampling intervals, established by the Department, will

Section 900-TABLE E Lead and Copper Sampling Frequency Requirements for First Year of Sampling

Daily Population Served

Greater Than 100,000
10,001 to 100,000
3,301 to 10,000
501 to 3,300
101 to 500
Less Than or
Equal to 100

Sampling Sites from which
Copper Samples are Collected
Every Six Months

100
60
40
20
10
5

(Source: Added at 17 Ill. Reg. March 23, 1993)

4388 , effective

Section 900-TABLE F Lead and Copper Sampling Frequency Requirements After First Year of Sampling

Daily Population Served

Greater Than 100,000
10,001 to 100,000
3,301 to 10,000
501 to 3,300
Less Than 501

Sampling Sites from which
Lead and Copper Samples are
Collected Annually

50
30
20
10
5

(Source: Added at 17 Ill. Reg. March 23, 1993)

4388 , effective

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Section 900. TABLE G Water Quality Sampling Requirements

Section 900. TABLE H Water Quality Sampling Requirements-Reduced Sampling

Daily Population Served	Sampling Sites from which Water Quality Parameters are Collected Every 6 Months	Sampling Sites from which Water Quality Parameters are Collected
Greater Than 100,000	25	10
10,001 to 100,000	10	7
3,301 to 10,000	3	3
501 to 3,300	2	2
Less Than 501	1	1
(Source: Added at March 23, 1993)	Ill. Reg. 4388, effective	Ill. Reg. 4388, effective

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Section 900, Table I

Table of Factors to be Used in Saturation Index Calculations

Section 900, Exhibit A

Values of A Based Upon Total Solids

A

Total Solids
in ppm

50	.07
75	.08
100	.10
150	.11
200	.13
300	.14
400	.16
600	.18
800	.19
1000	.20

Ppm total solids

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Section 900, Table I

Table of Factors to be Used in Saturation Index Calculations

Section 900, Exhibit B

Values of B Based Upon Water Temperature

B

Temperatures in degrees Fahrenheit

	UNITS								
	0	2	4	6	8				
30		2.60	2.37	2.54	2.31				
40	2.48	2.45	2.43	2.40	2.37				
50	2.34	2.31	2.28	2.25	2.22				
60	2.20	2.17	2.14	2.11	2.09				
70	2.06	2.04	2.03	2.00	1.97				
80	1.95	1.92	1.90	1.88	1.86				
90	1.84	1.82	1.80	1.78	1.76				
100	1.74	1.72	1.71	1.69	1.67				
110	1.65	1.64	1.62	1.60	1.58				
120	1.57	1.55	1.53	1.51	1.50				
130	1.48	1.46	1.44	1.43	1.41				
140	1.40	1.38	1.37	1.35	1.34				
150	1.32	1.31	1.29	1.28	1.27				
160	1.26	1.24	1.23	1.22	1.21				
170	1.19	1.18	1.17	1.16					

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Table of Factors to be Used in Saturation Index Calculations
Values of D Based Upon Alkalinity Expressed as CaCO₃

Section 900, Table I

Section 900, Exhibit D

D
Alkalinity expressed as ppm CaCO₃
(For 2 to 209 ppm CaCO₃, use upper table)
(For 210 to 990 ppm CaCO₃, use lower table)

UNITS										
0	1	2	3	4	5	6	7	8	9	
0	0.00	0.30	0.48	0.60	0.70	0.78	0.85	0.90	0.95	
10	1.00	1.04	1.08	1.11	1.15	1.18	1.20	1.23	1.26	1.29
20	1.30	1.32	1.34	1.36	1.38	1.40	1.42	1.43	1.45	1.46
30	1.48	1.49	1.51	1.52	1.53	1.54	1.56	1.57	1.58	1.59
40	1.60	1.61	1.62	1.63	1.64	1.65	1.66	1.67	1.68	1.69
50	1.70	1.71	1.72	1.73	1.74	1.75	1.76	1.78	1.79	1.80
60	1.78	1.79	1.80	1.81	1.81	1.82	1.83	1.83	1.84	
70	1.85	1.85	1.86	1.86	1.87	1.88	1.88	1.89	1.89	1.90
80	1.90	1.91	1.91	1.92	1.92	1.93	1.94	1.94	1.94	1.95
90	1.95	1.95	1.96	1.96	1.97	1.97	1.98	1.98	1.99	1.99
100	2.00	2.00	2.01	2.01	2.02	2.02	2.03	2.03	2.03	2.04
110	2.04	2.05	2.05	2.05	2.06	2.06	2.07	2.07	2.07	2.08
120	2.08	2.08	2.09	2.09	2.10	2.10	2.10	2.11	2.11	2.11
130	2.11	2.12	2.12	2.12	2.13	2.13	2.13	2.14	2.14	2.14
140	2.15	2.15	2.15	2.16	2.16	2.16	2.16	2.17	2.17	2.17
150	2.18	2.18	2.18	2.18	2.19	2.19	2.19	2.20	2.20	2.20
160	2.20	2.21	2.21	2.21	2.21	2.22	2.22	2.23	2.23	2.23
170	2.23	2.23	2.23	2.24	2.24	2.24	2.24	2.25	2.25	2.25
180	2.25	2.25	2.26	2.26	2.26	2.27	2.27	2.27	2.27	2.28
190	2.28	2.28	2.28	2.29	2.29	2.29	2.29	2.30	2.30	2.30
200	2.30	2.30	2.30	2.31	2.31	2.31	2.31	2.32	2.32	2.32

TENS										
0	10	20	30	40	50	60	70	80	90	
200	2.32	2.34	2.35	2.36	2.38	2.40	2.42	2.43	2.45	2.46
300	2.48	2.49	2.51	2.52	2.53	2.54	2.56	2.57	2.58	2.59
400	2.60	2.61	2.62	2.63	2.64	2.65	2.66	2.67	2.68	2.69
500	2.70	2.71	2.72	2.72	2.73	2.74	2.75	2.76	2.76	2.77
600	2.78	2.79	2.79	2.80	2.81	2.81	2.82	2.83	2.83	2.84
700	2.85	2.85	2.86	2.86	2.87	2.88	2.88	2.89	2.89	2.90
800	2.90	2.91	2.91	2.92	2.92	2.93	2.94	2.94	2.94	2.95
900	2.95	2.96	2.96	2.97	2.97	2.98	2.98	2.99	2.99	3.00

(Source: Added at 17 Ill. Reg. 4388, effective March 23, 1993)

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Table of Factors to be Used in Saturation Index Calculations
Values of C Based Upon Calcium Hardness Expressed as CaCO₃

Section 900, Table I

Section 900, Exhibit C

C
Calcium hardness expressed as ppm CaCO₃
(For 2 to 209 ppm CaCO₃, use upper table)
(For 210 to 990 ppm CaCO₃, use lower table)

UNITS										
0	1	2	3	4	5	6	7	8	9	
0	0.04	0.08	0.20	0.30	0.38	0.45	0.51	0.56		
10	0.60	0.72	0.75	0.78	0.81	0.83	0.86	0.89		
20	0.90	0.92	0.94	0.96	0.98	1.00	1.02	1.03	1.05	1.06
30	1.08	1.09	1.11	1.12	1.13	1.15	1.16	1.17	1.18	1.19
40	1.20	1.21	1.23	1.24	1.25	1.26	1.27	1.28	1.29	1.30
50	1.30	1.31	1.32	1.33	1.34	1.35	1.36	1.37	1.37	
60	1.38	1.39	1.40	1.41	1.42	1.42	1.43	1.43	1.44	
70	1.45	1.45	1.46	1.47	1.47	1.48	1.49	1.49	1.50	
80	1.51	1.51	1.52	1.52	1.53	1.53	1.54	1.54	1.55	1.55
90	1.56	1.56	1.57	1.57	1.58	1.58	1.59	1.59	1.60	
100	1.60	1.61	1.61	1.61	1.62	1.62	1.63	1.63	1.64	1.64
110	1.64	1.65	1.65	1.65	1.66	1.66	1.67	1.67	1.67	1.68
120	1.68	1.68	1.69	1.69	1.70	1.70	1.70	1.71	1.71	1.71
130	1.72	1.72	1.73	1.73	1.73	1.74	1.74	1.74	1.75	
140	1.75	1.75	1.75	1.76	1.76	1.77	1.77	1.77	1.78	
150	1.78	1.78	1.79	1.79	1.79	1.80	1.80	1.80	1.80	
160	1.81	1.81	1.81	1.82	1.82	1.82	1.82	1.83	1.83	
170	1.83	1.84	1.84	1.84	1.85	1.85	1.85	1.85	1.85	
180	1.86	1.86	1.86	1.87	1.87	1.87	1.87	1.87	1.88	
190	1.88	1.88	1.89	1.89	1.89	1.89	1.89	1.90	1.90	1.90
200	1.90	1.91	1.91	1.91	1.91	1.91	1.92	1.92	1.92	1.92

TENS										
0	10	20	30	40	50	60	70	80	90	
200	1.92	1.94	1.96	1.98	2.00	2.02	2.03	2.05	2.06	
300	2.08	2.09	2.11	2.12	2.13	2.15	2.16	2.17	2.18	2.19
400	2.20	2.21	2.23	2.24	2.25	2.26	2.27	2.28	2.28	2.29
500	2.30	2.31	2.32	2.33	2.34	2.35	2.36	2.37	2.37	
600	2.38	2.39	2.40	2.41	2.42	2.42	2.43	2.43	2.44	
700	2.45	2.45	2.46	2.47	2.47	2.48	2.48	2.49	2.49	2.50
800	2.51	2.51	2.52	2.52	2.53	2.54	2.54	2.55	2.55	
900	2.56	2.56	2.57	2.57	2.58	2.58	2.58	2.59	2.59	2.60

(Source: Added at 17 Ill. Reg. 4388, effective March 23, 1993)

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part:

The Illinois Water Well and Pump Installation Contractor's License Code

2) Code Citation:

77 Ill. Adm. Code 915

3) Section Numbers:

915.10
915.20
915.40
915.50

Adopted Action:

Amendment
Amendment
New Section
New Section

4) Statutory Authority:

The Illinois Water Well and Pump Installation Contractor's License Act
(Ill. Rev. Stat. 1991, ch. 111, par. 7101 et seq.)

5) Effective Date of Amendments:

March 23, 1993

6) Does this Rulemaking Contain an Automatic Repeal Date?

No

7) Does this Rulemaking Contain any Incorporations by Reference?

No

8) Date Filed in Agency's Principal Office:

March 23, 1993

9) Date Notice of Proposed Amendments was Published in the Illinois Register:

16 Ill. Reg. 10989 - July 10, 1992

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking:

No

If Yes, Date Agency Response Submitted for Approval to JCAR:Date Statement of Objection was Published in the Illinois Register:11) Difference Between Proposal and Final Version:

Various grammatical and technical changes recommended by the Administrative Code Division and the Joint Committee on Administrative Rules have been made.

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

All changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.

13) Will the Amendments Replace an Emergency Rule Currently in Effect?

No

14) Are there any other Amendments Pending on this Part?

No

15) Summary and Purpose of Amendments:

Section 915.10: This amendment clarifies examination application requirements for registration as a licensed water well contractor and/or water well pump installation contractor.

Section 915.20: This amendment clarifies examination passing requirements for a combination licensed water well contractor and water well pump installation contractor.

Section 915.40: This new Section establishes supervision requirements for individuals applying to take the examination for registration as a licensed water well contractor and/or water well pump installation contractor.

Section 915.50: This new Section establishes requirements for non-licensed individuals who perform labor and services in connection with the drilling of a water well and the installation or repair of any water well pump or equipment.

16) Information and Questions Regarding this Adopted Rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:

ILLINOIS REGISTER
DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 1: WATER AND SEWAGE

PART 915
THE ILLINOIS WATER WELL AND PUMP INSTALLATION
CONTRACTOR'S LICENSE ACT CODE

Section
915.10
915.20
915.30
915.40
915.50

Applications
~~Examinations~~ Examination Requirements
Statutory Authority
Supervision
Licensed Contractor Responsibility

AUTHORITY: Implementing and authorized by the Illinois Water Well and Pump Installation Contractor's License Act (Ill. Rev. Stat. 1991, ch. 111, pars. 7101 et seq.).

SOURCE: Emergency rules adopted at 2 Ill. Reg. 9, p. 30, effective February 22, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 10, p. 123, effective March 5, 1979; codified at 8 Ill. Reg. 8926; amended at 17 Ill. Reg. 4425, effective March 23, 1993.

Section 915.10 Applications

- An application for examination for registration as a licensed water well contractor and/or water well pump installation contractor must be received in the office of the Department of Public Health, Springfield, Illinois, at least 30 days prior to the date of examination. Applications shall be made on forms provided by the Department and shall include the following information:
 - name and address of the applicant;
 - age of the applicant;
 - a statement that the applicant is a citizen of the United States or has declared his intention to become a citizen of the United States; and
 - employment records, W-2's, copies of paychecks, or other evidence that the applicant has been employed in water well construction or water well pump installation for a minimum of 420 working days.
- A recent photograph shall comprise a part of the application form and be made a permanent record.
- Affidavits by three responsible persons as to the applicant's moral character, honesty and integrity shall be made a part of the application form and become a permanent record.
- Affidavits from previous and current employers must accompany the application indicating the applicant's employment experience meets the statutory requirements, the dates which the applicant was employed and

the locations of previous jobs the applicant performed verifying that the applicant was engaged in water well or water pump installation work and that he performed this work under the supervision of a licensed contractor. The names and addresses of previous employers shall be included. These affidavits shall be made a part of the application form and become a permanent record.

(Source: Amended at 17 Ill. Reg. 4425, effective March 23, 1993)

Section 915.20 ~~Examinations~~ Examination Requirements

- Photograph. A recent photograph of the applicant must be personally presented by the applicant at the time of the examination.
- Examination. The examination shall be written and consist of four parts prepared by the licensing board. The four parts shall be the following: questions on the subjects outlined in Section 6(a) of the Act; each subject to be graded on the basis of 100; go--be--successful--an applicant must make an average grade of not less than 75--with no grade below 60.
- The Board shall prepare questions on the following subjects:
 - general knowledge of well drilling industry;
 - general knowledge of pump installation industry;
 - wells; and
 - pumps.
 - Passing Grade.
 - Applicants desiring a water well contractor license will be required to successfully pass parts 1 A and 3 B as described in subsection (b) above. Applicants desiring a water well pump installation contractor license will be required to successfully pass parts 2 B and 4 B as described in subsection (b) above. Applicants desiring licensure for both will be required to successfully pass all parts portions. The examination shall consist of questions with a combined grade value of 100 points in each part. In order to successfully pass the examination, a grade of not less than 75 must be obtained after averaging the results of the questions from each part taken. However, the applicant must obtain a grade of not less than 70 in each part of the examination.
- Failure to Pass. An applicant who fails to pass the examination shall be admitted to a subsequent regularly scheduled examination after filing a new application and fee with the Department in accordance with Section 915.10. An applicant who fails his first examination will be required in his second or third examinations to retake only those parts subjects in which he received a grade of less than 75. If the applicant is admitted to a fourth or subsequent examinations, he will be required to take an examination in all parts subjects covered by Section 6(a) of the Act.

(Source: Amended at 17 Ill. Reg. 4425, effective

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NOTICE OF ADOPTED AMENDMENT(S)

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March 23, 1993)

Section 915.40 Supervision

An applicant for a water well pump installation contractor's license, a water well contractor's license, or a water well and pump installation contractor's license shall have worked at the trade for two years at the direction and under the supervision of an Illinois licensed water well pump installation contractor, a water well contractor, or a water well and pump installation contractor, respectively. The Department shall consider two years to mean a minimum of 420 working days. Credit for experience and work performed under the supervision of individuals licensed by another state shall only be allowed when the Department has determined that the requirements for licensure in that other state are equal to those of the Department. The Department shall establish and publish a list of those states. Supervision shall be performed by licensed contractors in accordance with Section 915.50.

(Source: Added at 17 Ill. Reg. 4425, effective
March 23, 1993)

(Source: Added at 17 Ill. Reg. 4425, effective
March 23, 1993)

Section 915.50 Licensed Contractor Responsibility

a) Water Well Construction. An individual who is not licensed under the Act may perform labor and services in connection with the drilling of a water well, provided such labor and services are performed at the direction and under the personal supervision of a licensed Water Well Contractor or a licensed Water Well and Pump Installation Contractor. In order for the licensed contractor to perform personal supervision, he must visit the work site at least once, and as often as necessary, to assure that the unlicensed individual is performing work in compliance with the Illinois Water Well Construction Code (77 Ill. Adm. Code 920). The licensed contractor shall visit the work site when requested by the Department. The Department may make such a request when previous inspections have shown that the unlicensed individual has performed work that is not in compliance with the Illinois Water Well Construction Code. Where such work is performed by an unlicensed individual, under the supervision of a licensed contractor, the licensed contractor shall sign the water well construction report and indicate that he has personally supervised the work and indicate the name of the unlicensed person supervised.

b) Water Well Pump Installation. An individual who is not licensed under the Act may perform labor and services in connection with the installation or repair of any water well pump or equipment, provided such labor and services are performed at the direction and under the personal supervision of a licensed Water Well Pump Installation Contractor or a licensed Water Well and Pump Installation Contractor. In order for the licensed contractor to perform personal supervision, the contractor must be present on the site at least once, and as often as necessary, when the pitless adapter and pump are installed in a new

water well, or when a pump of a different capacity is installed in an existing water well, to assure that the unlicensed individual is performing work in compliance with the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925). The licensed contractor shall visit the work site when requested by the Department. The Department may make such a request when previous inspections have shown that the unlicensed individual has performed work which is not in compliance with the Illinois Water Well Pump Installation Code.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED RULES

1) The Heading of the Part:
Health Facilities Planning Financial and Economic Feasibility Review

2) Code Citation:
77 Ill. Adm. Code 1120

3) Section Numbers:
1120.10 New Section
1120.20 New Section
1120.110 New Section
1120.120 New Section
1120.130 New Section
1120.210 New Section
1120.310 New Section
1120 Appendix A

4) Statutory Authority:
The Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq.)

5) Effective Date of Rules: March 22, 1993

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain any Incorporations by Reference? No

8) Date Filed in Agency's Principal Office: March 22, 1993

9) Date Notice of Proposed Rules was Published in the Illinois Register:

16 Ill. Reg. 5205 - April 3, 1992

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No

If Yes, Date Agency Response Submitted for Approval to JCAR:

Date Statement of Objection was Published in the Illinois Register:

11) Difference Between Proposal and Final Version:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED RULES

Various grammatical and technical changes recommended by the Administrative Code Division and the Joint Committee on Administrative Rules have been made.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

All changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.

13) Will the Rule Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Rules:

Part 1120 represents a new series of financial and economic review criteria. This Part replaces Parts 1230 and 1240, which are being repealed and applies to all health care facilities subject to review by the Health Facilities Planning Board.

16) Information and Questions Regarding this Adopted rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD
SUBCHAPTER b: OTHER BOARD RULES

HEALTH FACILITIES PLANNING FINANCIAL AND ECONOMIC FEASIBILITY REVIEW
PART 1120

SUBPART A: STATUTORY AUTHORITY, DEFINITIONS, APPLICABILITY AND REVIEW
REQUIREMENTS

Section
1120.10 Statutory Authority and Definitions
1120.20 Applicability and Review Requirements

SUBPART B: INFORMATION REQUIREMENTS

Section
1120.110 Project and Related Cost Data
1120.120 Information Requirements for Financial Feasibility
1120.130 Information Requirements for Economic Feasibility

SUBPART C: FINANCIAL FEASIBILITY REVIEW CRITERIA

Section
1120.210 Financial Feasibility Review Criteria

SUBPART D: ECONOMIC FEASIBILITY REVIEW CRITERIA

Section
1120.310 Economic Feasibility Review Criteria

APPENDIX A Financial and Economic Review Standards

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act (Ill. Rev. Stat 1991, ch. 111 1/2, pars. 1151 et seq.).

SOURCE: Emergency amendments at 16 Ill. Reg. 13132, effective August 4, 1992, for a maximum of 150 days; emergency expired on January 1, 1993; adopted at 17 Ill. Reg. 4431, effective March 22, 1993.

SUBPART A: STATUTORY AUTHORITY, DEFINITIONS, APPLICABILITY AND REVIEW
REQUIREMENTS

Section 1120.10 Statutory Authority and Definitions

a) *Statutory Authority*
This Part is filed pursuant to Section 12 of the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1162). A public hearing on this Part was held in accordance with the

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provisions of Section 12 of the Act. The Executive Secretary maintains a record of the public hearing on this Part. Copies of the public hearing record are available for inspection at the offices of the State Board at 525-535 West Jefferson Street, Springfield, IL, 62761.

b) Definitions

- 1) "Debt Financing" means all or any portion of project costs financed through borrowing. Leasing is, for purposes of this Part, considered to be borrowing. Portions of lease payments which are for service, insurance, or other noncapital costs are not considered borrowing.
- 2) "Economically Feasible" means the costs of financing, constructing, acquiring, and operating a proposed project are reasonable and the expected impact of the project's operating and capital costs on the overall costs of health care are reasonable.
- 3) "Estimated Total Project Cost" means the dollar amount of all expenditures or other transactions required to complete a project. Such amount includes all items that are to be capitalized and also includes the fair market value of any items which may be acquired through lease, donation, gift or other means.
- 4) "Financially Feasible" means that funds are available or will be obtained that are equal to or in excess of the estimated total project and related costs without jeopardizing the applicant's financial viability.

Section 1120.20 Applicability and Review Requirements

a) Applicability

The State Board shall review applications for permit to determine financial and economic feasibility pursuant to the standards and criteria of this Part. All applications shall be subject to this Part except for:

- 1) those applications which are classified as emergency under 77 Ill. Adm. Code 1130; or
- 2) those applications which are solely for discontinuation provided that the discontinuation has no cost; or
- 3) those applications which are solely for the establishment of the acute care beds certified for extended care category of service provided the establishment has no cost; or
- 4) those applications which have been deemed complete pursuant to the provisions of 77 Ill. Adm. Code 1130, prior to the effective date of this Part.

b) Review Category

- 1) Applications for permit submitted by persons other than the Department of Mental Health and Developmental Disabilities and the Department of Veterans Affairs shall be categorized as Category A, B, or C pursuant to the following:
A) Category A--applications which have no project cost or an

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estimated total project cost below \$2 million and which do not propose the establishment of a new category of service or of a health care facility;

B) Category B--applications which have no project cost or an estimated total project cost below \$2 million and which propose the establishment of a new category of service or of a health care facility;

C) Category C--applications which have an estimated total project cost of \$2 million or more.

2) Applications submitted by the Department of Mental Health and Developmental Disabilities and by the Department of Veterans Affairs shall not be categorized. Those applications must provide the information required by Sections 1120.110 and 1120.120, and be reviewed for conformance with the review criteria of Section 1120.210(b) and 1120.310(d).

3) Category C projects which are master design projects shall be reviewed for the financial and economic compliance of the master design costs. The applicant shall comply with all information requirements and be reviewed against the applicable review criteria for Category C projects. In addition the master plan and future construction or modification project(s) associated with the master design shall be reviewed for both financial and economic feasibility. All proposed future project(s) detailed in the master design project shall also be reviewed as Category C project(s) subject to the referenced review criteria excluding Terms of Debt Financing (Section 1120.310(d)), Reasonableness of Project Costs (Section 1120.310(d)), and Reasonableness of Resultant Operating Costs (Section 1120.310(e)).

c) Information Requirements

Applicants other than the Departments of Veterans Affairs and Mental Health and Developmental Disabilities must provide the information specified in Table I according to the application's review category.

Table I

Information Requirements	Review Category		
	A	B	C
Project Cost Data (Section 1120.110)	Yes	Yes	Yes
Sources and Uses of Funds (Section 1120.120)	Yes	Yes	Yes
Historical Financial Statements (Section 1120.130(a))	Yes	Yes	Yes
Depreciation and Amortization (Section 1120.130(b))	No	Yes	Yes

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Historical and Projected Patient Statistics (Section 1120.130(c))

No Yes Yes

Projected Financial Statements (Section 1120.130(d))

No Yes* Yes

Assumptions (Section 1120.130(e))

No Yes Yes

Projected Capital Costs (Section 1120.130(f))

No No Yes

Projected Operating Costs (Section 1120.130(g))

Yes Yes Yes

Projected Capital and Operating Costs (Section 1120.130(h))

No No Yes

*Applies only to applications proposing to establish health care facilities.

d) Review Criteria

Category A, B, and C applications will be reviewed for conformance with the applicable review criteria specified in Table II.

Table II

Applicable Review Criteria

Review Category
A B C

Financial Viability (Section 1120.210(a))

Yes* Yes* Yes*

Availability of Funds (Section 1120.210(b))

Yes Yes Yes

Start Up Costs (Section 1120.210(c))

No Yes Yes

Reasonableness of Financing Arrangements (Section 1120.310(a))

No Yes Yes

Terms of Debt Financing (Section 1120.310(b))

Yes Yes Yes

Costs of Debt Financing (Section 1120.310(c))

No Yes Yes

Reasonableness of Project Costs (Section 1120.310(d))

Yes Yes Yes

Reasonableness of Resultant Operating Costs (Section 1120.310(e))

Yes Yes Yes

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Total Effect 1120.310(f))	on Capital Costs (Section 1120.310(f))	No	No	Yes
Non-Patient 1120.310(g))	Related Services (Section 1120.310(g))	No	No	Yes

*Applies only to applications for which the applicant has \$1 million or more of capital assets.

SUBPART B: INFORMATION REQUIREMENTS

Section 1120.110 Project and Related Cost Data

- a) Estimated Total Project Cost
- The applicant shall provide project cost information for each of the following components as is applicable. When a project or any component of a project is to be accomplished by lease, donation, gift or any other means, the fair market value or dollar value which would have been required for purchase, construction, or acquisition shall be included in the estimated total project cost.
- 1) Preplanning costs;
 - 2) Site survey and soil investigation fees;
 - 3) Site preparation including demolition of existing structure(s);
 - 4) Off-site work;
 - 5) Construction and modernization contracts including fixed equipment;
 - 6) Contingencies;
 - 7) Architectural fees;
 - 8) Consulting and other fees;
 - 9) Movable capital equipment not in construction contracts;
 - 10) Bond issuance expense;
 - 11) Net interest expense during construction;
 - 12) Other costs which are to be capitalized; and
 - 13) Acquisition of buildings or other property.

b) Related Cost Data

- 1) Land Acquisition Cost

The applicant shall provide the purchase price or fair market value, whichever is applicable, for the acquisition of land that is required in order to undertake the project. Acquisition of land is not a capital expenditure and is not included as part of project costs.
- 2) Start-up Costs

The applicant shall provide a schedule of estimated start-up costs and an estimate of any initial operating deficit.
- 3) Construction and Modernization Costs and Schedule

The applicant shall provide construction and modernization costs on the basis of cost per square foot and a construction schedule which shows dollar expenditures by month and year through project

completion.

Section 1120.120 Information Requirements for Financial Feasibility

- a) Cash and Securities

The applicant must provide statements (e.g., audited financial statements, letters from financial institutions, board resolutions) as to the amount of cash and securities available for the project. The applicant must provide the identification of any security, its value, and availability of such funds. Interest to be earned or depreciation account funds to be earned on any asset from the date of application submittal through project completion are also considered cash.
- b) Pledges

For anticipated pledges, the applicant must provide a letter or report as to the dollar amount feasible showing the discounted value and any conditions or action the applicant would have to take to accomplish this goal. The time period, historical fund raising experience and major contributors also must be specified.
- c) Gifts and Bequests

For gifts and bequests available for the project, the applicant must provide verification of the dollar amount and identify any conditions and timing of its use.
- d) Debt Financing

The applicant must provide the terms and conditions for existing debt including leases, covenants of existing debt obligations and debt service reserve funds. The applicant must also provide the estimated terms and conditions for the following types of debt financing proposed to fund the project:

 - 1) For general obligation bonds, the applicant must provide proof of passage of the required referendum or evidence that the governmental unit has the authority to issue such bonds and also provide evidence of the dollar amount of the issue and any discounting or shrinkage anticipated;
 - 2) For revenue bonds, the applicant must provide proof of the feasibility of securing the specified amount;
 - 3) For mortgages, the applicant must provide a letter from the prospective lender attesting to the expectation of making the loan in the amount and time indicated;
 - 4) For leases, the applicant must provide a copy of the lease including all the terms and conditions of the lease including any purchase options.
- e) Governmental Appropriations

The applicant must provide a copy of the Appropriation Act or ordinance accompanied by a statement of funding availability from an official of the governmental unit. If funds are to be made available from subsequent fiscal years, the applicant must provide a resolution or other action of the governmental unit attesting to this intent.
- f) Grants

The applicant must provide a letter from the granting agency as to the

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availability of funds in terms of the amount and time of receipt.

- q) All Other Funds and Sources
The applicant must provide verification of the amount and type of any other funds that will be used for the project.

Section 1120.130 Information Requirements for Economic Feasibility

- a) Historical Financial Statements
The applicant must provide the most recent three years' audited financial statements including the following:
- 1) Balance sheet;
 - 2) Income statement;
 - 3) Changes in fund balance; and
 - 4) Change in financial position.
- b) Depreciation and Amortization
The applicant must provide estimated depreciation and amortization costs on a schedule for the project.
- c) Historical and Projected Patient Statistics
The applicant must provide a statement of patient statistics including at least patient days by level of care, beds by level of care, net revenue and patient days by source of payment for three years through the first full fiscal year after project completion or for the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later.
- d) Projected Financial Statements
The applicant must provide projected annual financial statements including balance sheets, income statements, and changes in financial position for a period extending from the latest audited fiscal year through:
- 1) The first full fiscal year after project completion; or
 - 2) For the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later.
- e) Assumptions
The applicant must provide the assumptions used in the projections of patient statistics and financial statements including the following:
- 1) Basis underlying the assumptions;
 - 2) Substantiation of data, formulae, and references employed in the assumptions.
- f) Projected Capital Costs
1) The applicant must provide projected capital costs including:
- A) Annual capital costs; and
 - B) Annual capital costs increase attributable to the project.
- 2) The projected capital costs shall be for the following period:
- A) The first full fiscal year after project completion; or
 - B) The first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later.
- g) Projected Operating Costs

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The applicant must provide projected operating costs (excluding depreciation and stated in current dollars based on the full-time equivalents (FTE's) and other resource requirements) for the first full fiscal year after project completion or the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later, including:

- 1) Annual operating costs; and
 - 2) Annual operating costs change (increase or decrease) attributable to the project
- h) Projected Capital and Operating Costs
The applicant must provide the projected total costs (the sum of capital and operating costs items from subsections (f) and (g) above) for the first full fiscal year after project completion or the first full fiscal year when the project achieves or exceeds target utilization pursuant to Part 1100, whichever is later.

SUBPART C: FINANCIAL FEASIBILITY REVIEW CRITERIA

Section 1120.210 Financial Feasibility Review Criteria

- a) Financial Viability--Review Criterion
- 1) Viability Ratios
Applicants who have \$1 million or more in capital assets must document compliance with viability ratio standards detailed in Appendix A of this Part or address a variance. Applicants must document compliance for the most recent three years for which audited financial statements are available. For Category C applications, the applicant also must document compliance through the first full fiscal year after project completion or for the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later, or address a variance.
AGENCY NOTE: applicants with less than \$1 million in capital assets are not subject to this criterion.
 - 2) Variance for Applications Not Meeting Ratios
Applicants not in compliance with any of the viability ratios must document one of the following:
 - A) evidence that another organization, public or private, shall assume the legal responsibility to meet the debt obligations should the applicant default; or
 - B) evidence based upon projected financial statements and assumptions that for the first full fiscal year after project completion or the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later, the applicant will meet the standards in Appendix A of this Part.
- b) Availability of Funds--Review Criterion
The applicant must document that financial resources shall be available and be equal to or exceed the estimated total project cost.

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- c) **Start-up Costs--Review Criterion**
The applicant must document that financial resources shall be available and be equal to or exceed any start-up expenses and any initial operating deficit.

SUBPART D: ECONOMIC FEASIBILITY REVIEW CRITERIA

Section 1120.310 Economic Feasibility Review Criteria

- a) **Reasonableness of Financing Arrangements--Review Criterion**
The applicant must document that the project will be funded with cash and equivalents including investment securities, unrestricted funds, and funded depreciation as currently defined by the Medicare regulations (42 U.S.C. 1395) unless cash and equivalents must be retained for either of the following:
1) a portion or all of the cash and equivalents must be retained in the balance sheet asset accounts in order that the current ratio does not fall below 2.0 times; or
2) borrowing is less costly than the liquidation of existing investments.
- b) **Terms of Debt Financing--Review Criterion**
The applicant must document that the selected form of debt financing the project will be at the lowest net cost available or if a more costly form of financing is selected, that form is more advantageous due to such terms as prepayment privileges, no required mortgage, access to additional indebtedness, term (years), financing costs, and other factors.
- c) **Costs of Debt Financing--Review Criterion**
The applicant must document that the costs of debt financing (i.e., debt service) shall not exceed the standards detailed in Appendix A of this Part.
- d) **Reasonableness of Project and Related Costs--Review Criterion**
1) **Construction and Modernization Costs**
Construction and modernization costs per square foot for non-hospital based ambulatory surgical treatment centers and for facilities for the developmentally disabled, and for chronic renal dialysis treatment centers projects shall not exceed the standards detailed in Appendix A of this Part. For all other projects, construction and modernization costs per square foot shall not exceed the adjusted (for inflation, location, economies of scale and mix of service) third quartile as provided for in the Means Building Construction Cost Data publication.

- 2) **Contingencies**
Contingencies (stated as a percentage of construction costs for the stage of architectural development) shall not exceed the standards detailed in Appendix A of this Part.
- 3) **Architectural Fees**
Architectural fees shall not exceed the fee schedule standards detailed in Appendix A of this Part.

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- 4) **Major Medical and Movable Equipment**
A) For each piece of major medical equipment, the applicant must document that the lowest net cost available has been selected, or if not selected, that the choice of higher cost equipment is justified due to such factors as, but not limited to, maintenance agreements, options to purchase, or greater diagnostic or therapeutic capabilities.
B) Total movable equipment costs shall not exceed the standards for equipment as detailed in Appendix A of this Part.
- 5) **Other Project and Related Costs**
The applicant must document that any preplanning, acquisition, site survey and preparation costs, debt service reserve funds, net interest expense and other estimated costs do not exceed industry norms based upon a comparison with similar projects that have been reviewed.
- e) **Reasonableness of Resultant Operating Cost--Review Criterion**
The Applicant must document that operating costs resulting from the project shall be reasonable in relation to the operating costs of comparable providers and similar services based upon cost analysis detailed in Appendix A of this Part.
- f) **Total Effect of the Project on Capital Costs--Review Criterion**
Total projected annual capital costs (in current dollars per equivalent patient day for the first full fiscal year after project completion or the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later) shall be reasonable in comparison to comparable providers and similar services and not exceed the standards detailed in Appendix A of this Part.
- g) **Non-patient Related Services--Review Criterion**
The applicant must document that projects involving non-patient related services (doctors' offices, parking garages, day care centers, etc.) will be self-supporting and not result in increased charges to patients or that increased charges to patients are justified based upon such factors as, but not limited to, a cost benefit or other analysis which demonstrates that the project will improve the applicant's financial viability.

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Section 1120. APPENDIX A Financial and Economic Review Standards

Review Criterion 1120.210(a), Financial Viability

Current Ratio = Current Assets/Current Liabilities 1.5

Net Margin Percentage = Net income/Net operating revenue X 100% 3%

Percent Debt to Total Capitalization = Long-term debt/
Long-term debt and unrestricted fund balance X 100% 80%

Projected Debt Service Coverage Ratio = Net Income +
Depreciation + Interest + Amortization/Principal and Interest
(for year of maximum debt service after project completion) 1.5

Review Criterion 1120.310(c), Cost of Borrowed Funds

Hospitals Gen. LTC ICF/DD ESRD's ASTC's

Debt Service/ Adjusted \$37.42 \$9.46 \$10.00 N/A N/A

Debt/ Adjusted Bed \$93,633 \$29,668 \$22,333 N/A N/A

Annual Debt Service +
Lease Payment/Operating Room N/A N/A N/A \$132,388

For hospital projects, adjustments for projected patient days and projected
beds consist of utilizing the historical revenue from emergency and outpatient
sources into inpatient revenues from routine and ancillary services.

Review Criterion 1120.310(d), Reasonableness of Project and Related Costs

Construction and Modernization Costs

Hospitals Gen. LTC ICF/DD ESRD's ASTC's

New Construction Adjusted Third Quartile \$62.00 \$199.76 \$127.92

Modernization Costs 70% of above figure N/A \$84.28 \$82.12

Contingencies New Construction Remodeling

Working drawings/schematics 1.5%

Preliminary working drawings 7%

Final working drawings 1.5%

Architectural Fees 5.7%

CAPITAL DEVELOPMENT BOARD
BASIC RATE AND/OR FIXED FEE SCHEDULE
FOR ARCHITECT-ENGINEER

Construction and Contingencies Cost	Hospitals, Nursing Facilities, Developmental Centers, ASTC's, ESRD's, Medical Illness, Laboratories	Dietary, Laundry, Classrooms, Office Buildings	Independent Living, Independent Living Apartments, Parking Structures, Site Work, Warehouses
\$300,000	11.42%	10.41%	9.39%
350,000	11.14	10.13	9.11
400,000	10.88	9.87	8.85
450,000	10.65	9.64	8.62
500,000	10.43	9.41	8.40
550,000	10.20	9.19	8.17
600,000	10.14	9.13	8.11
650,000	10.01	9.00	7.98
700,000	9.90	8.88	7.87
750,000	9.80	8.78	7.77
800,000	9.70	8.68	7.67
850,000	9.59	8.58	7.56
900,000	9.51	8.50	7.48
950,000	9.45	8.44	7.42
1,000,000	9.39	8.38	7.36
1,250,000	9.19	8.17	7.16
1,500,000	9.03	8.01	7.00
1,750,000	8.88	7.87	6.85
2,000,000	8.76	7.74	6.73
2,250,000	8.63	7.61	6.60
2,500,000	8.51	7.50	6.48
2,750,000	8.41	7.39	6.38
3,000,000	8.31	7.29	6.27
3,250,000	8.21	7.20	6.18

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3,500,000	8.14	7.12	6.11
3,750,000	8.06	7.05	6.03
4,000,000	7.99	6.98	5.96
4,250,000	7.92	6.90	5.89
4,500,000	7.86	6.84	5.83
4,750,000	7.80	6.78	5.77
5,000,000	7.74	6.72	5.71
5,250,000	7.68	6.66	5.65
5,500,000	7.62	6.61	5.59
5,750,000	7.57	6.56	5.54
6,000,000	7.53	6.51	5.50
6,250,000	7.48	6.47	5.45
6,500,000	7.44	6.43	5.41
6,750,000	7.40	6.39	5.37
7,000,000	7.36	6.35	5.33
7,250,000	7.32	6.31	5.29
7,500,000	7.28	6.27	5.25
7,750,000	7.24	6.23	5.21
8,000,000	7.20	6.19	5.17
8,250,000	7.16	6.15	5.13
8,500,000	7.12	6.11	5.09
8,750,000	7.08	6.07	5.05
9,000,000	7.04	6.03	5.01
9,250,000	7.00	6.00	4.97
9,500,000	6.96	5.96	4.93
9,750,000	6.92	5.92	4.89
10,000,000	6.88	5.88	4.85
10,250,000	6.84	5.84	4.81
10,500,000	6.80	5.80	4.77
10,750,000	6.76	5.76	4.73
11,000,000	6.72	5.72	4.69
11,250,000	6.68	5.68	4.65
11,500,000	6.64	5.64	4.61
11,750,000	6.60	5.60	4.57
12,000,000	6.56	5.56	4.53
12,250,000	6.52	5.52	4.49
12,500,000	6.48	5.48	4.45
12,750,000	6.44	5.44	4.41
13,000,000	6.40	5.40	4.37
13,250,000	6.36	5.36	4.33
13,500,000	6.32	5.32	4.29
13,750,000	6.28	5.28	4.25
14,000,000	6.24	5.24	4.21
14,250,000	6.20	5.20	4.17
14,500,000	6.16	5.16	4.13
14,750,000	6.12	5.12	4.09
15,000,000	6.08	5.08	4.05
15,250,000	6.04	5.04	4.01
15,500,000	6.00	5.00	3.97
15,750,000	5.96	4.96	3.93
16,000,000	5.92	4.92	3.89
16,250,000	5.88	4.88	3.85
16,500,000	5.84	4.84	3.81
16,750,000	5.80	4.80	3.77
17,000,000	5.76	4.76	3.73
17,250,000	5.72	4.72	3.69
17,500,000	5.68	4.68	3.65
17,750,000	5.64	4.64	3.61
18,000,000	5.60	4.60	3.57
18,250,000	5.56	4.56	3.53
18,500,000	5.52	4.52	3.49
18,750,000	5.48	4.48	3.45
19,000,000	5.44	4.44	3.41
19,250,000	5.40	4.40	3.37
19,500,000	5.36	4.36	3.33
19,750,000	5.32	4.32	3.29
20,000,000	5.28	4.28	3.25
20,250,000	5.24	4.24	3.21
20,500,000	5.20	4.20	3.17
20,750,000	5.16	4.16	3.13
21,000,000	5.12	4.12	3.09
21,250,000	5.08	4.08	3.05
21,500,000	5.04	4.04	3.01
21,750,000	5.00	4.00	2.97
22,000,000	4.96	3.96	2.93
22,250,000	4.92	3.92	2.89
22,500,000	4.88	3.88	2.85
22,750,000	4.84	3.84	2.81
23,000,000	4.80	3.80	2.77
23,250,000	4.76	3.76	2.73
23,500,000	4.72	3.72	2.69
23,750,000	4.68	3.68	2.65
24,000,000	4.64	3.64	2.61
24,250,000	4.60	3.60	2.57
24,500,000	4.56	3.56	2.53
24,750,000	4.52	3.52	2.49
25,000,000	4.48	3.48	2.45
25,250,000	4.44	3.44	2.41
25,500,000	4.40	3.40	2.37
25,750,000	4.36	3.36	2.33
26,000,000	4.32	3.32	2.29
26,250,000	4.28	3.28	2.25
26,500,000	4.24	3.24	2.21
26,750,000	4.20	3.20	2.17
27,000,000	4.16	3.16	2.13
27,250,000	4.12	3.12	2.09
27,500,000	4.08	3.08	2.05
27,750,000	4.04	3.04	2.01
28,000,000	4.00	3.00	1.97
28,250,000	3.96	2.96	1.93
28,500,000	3.92	2.92	1.89
28,750,000	3.88	2.88	1.85
29,000,000	3.84	2.84	1.81
29,250,000	3.80	2.80	1.77
29,500,000	3.76	2.76	1.73
29,750,000	3.72	2.72	1.69
30,000,000	3.68	2.68	1.65
30,250,000	3.64	2.64	1.61
30,500,000	3.60	2.60	1.57
30,750,000	3.56	2.56	1.53
31,000,000	3.52	2.52	1.49
31,250,000	3.48	2.48	1.45
31,500,000	3.44	2.44	1.41
31,750,000	3.40	2.40	1.37
32,000,000	3.36	2.36	1.33
32,250,000	3.32	2.32	1.29
32,500,000	3.28	2.28	1.25
32,750,000	3.24	2.24	1.21
33,000,000	3.20	2.20	1.17
33,250,000	3.16	2.16	1.13
33,500,000	3.12	2.12	1.09
33,750,000	3.08	2.08	1.05
34,000,000	3.04	2.04	1.01
34,250,000	3.00	2.00	0.97
34,500,000	2.96	1.96	0.93
34,750,000	2.92	1.92	0.89
35,000,000	2.88	1.88	0.85
35,250,000	2.84	1.84	0.81
35,500,000	2.80	1.80	0.77
35,750,000	2.76	1.76	0.73
36,000,000	2.72	1.72	0.69
36,250,000	2.68	1.68	0.65
36,500,000	2.64	1.64	0.61
36,750,000	2.60	1.60	0.57
37,000,000	2.56	1.56	0.53
37,250,000	2.52	1.52	0.49
37,500,000	2.48	1.48	0.45
37,750,000	2.44	1.44	0.41
38,000,000	2.40	1.40	0.37
38,250,000	2.36	1.36	0.33
38,500,000	2.32	1.32	0.29
38,750,000	2.28	1.28	0.25
39,000,000	2.24	1.24	0.21
39,250,000	2.20	1.20	0.17
39,500,000	2.16	1.16	0.13
39,750,000	2.12	1.12	0.09
40,000,000	2.08	1.08	0.05

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100,000,000	4.32	3.81	3.30
999,999,999	4.32	3.81	3.30
Handbook of Tables and Fee Schedule: Published by the Capital Development Board, 401 South Spring Street, Springfield, Illinois 62706.			
Review Criterion 1120.310(d), Reasonableness of Project and Related Costs			
Moveable Equipment	Hospitals General LTC	ICF/DD	ESRD's
	N/A	\$2,876/bed	\$31,303/ station or
Other Project and Related Costs			
Preplanning--Costs shall not exceed 1.8% of construction, contingencies and equipment costs.			
Site survey and preparation--Costs shall not exceed 5.0% of construction and contingency costs.			
Debt service reserve fund--Costs shall not exceed the lesser of:			
1) maximum annual principal and interest payments; or			
2) ten percent of the total amount of the borrowing; or			
3) one hundred twenty five percent of the average annual debt service payments.			
Review Criterion 1120.310(e), Reasonableness of Resultant Operating Costs			
For all categories of services pursuant to 77 Ill. Adm. Code 1110 with the exception of general long-term care categories of service and specialized long-term care services for the developmentally disabled, projected operating costs resulting from the project shall not exceed the median value of total direct costs on a per case or procedure basis.			
Comparable providers are those with similar levels of care and services, similar bed capacities and ancillary support services and similar pay: man.			
Direct costs means the fully allocated costs of salaries, benefits, and supplies for the service.			
The median value for the following categories of services is:			
Open Heart Surgery	\$ 10,448	Lithotripsy	\$ 2,559
Acute Mental Illness	\$ 278	M-S/peds	\$ 173
Rehabilitation	\$ 178	Neonatal ICU	\$ N/A
Intensive Care	\$ 512	MRI	\$ 80
Cardiac Cath.	\$ 873	Rad. Therapy	\$ 58
Substance Abuse	\$ 137	Kidney Trans.	\$ N/A
Obstetrics	\$ 207	Burn Care	\$ N/A

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

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For all general specialized long-term care services for the developmentally disabled, operating costs shall not exceed the median values of costs calculated from the Medicaid cost reports filed with the Finance Section of the Illinois Department of Public Aid.

Median values shall be adjusted for inflation and comparability with other providers.

Review Citation: 1120.310(f), Total Effect of the Project on Capital Costs

Hospitals	Gen. LTC	ICF/DD	ASTC's
\$81.64	N/A	N/A	N/A
Total Capital Expense/ Adjusted Patient Day			

*Various economic feasibility standards are based upon 1991 data and will be adjusted for review purposes to the first fiscal year after project completion for the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Reg. Code 1100, whichever is later.

1) The Heading of the Part:

Health Facilities Planning Procedural Rules

2) Code Citation:

77 Ill. Adm. Code 1130

3) Section Numbers:

1130.750

Adopted Action:

Amendment

4) Statutory Authority:

The Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq.)

5) Effective Date of Rules:

March 24, 1993

6) Does this Rulemaking Contain an Automatic Repeal Date?

No

7) Does this Rulemaking Contain any Incorporations by Reference?

No

8) Date Filed in Agency's Principal Office:

March 24, 1993

9) Date Notice of Proposed Rules was Published in the Illinois Register:

16 Ill. Reg. 15321 - October 9, 1992

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking:

No

If Yes, Date Agency Response Submitted for Approval to JCAR:

Date Statement of Objection was Published in the Illinois Register:

11) Difference Between Proposal and Final Version:

Various grammatical and technical changes recommended by the Administrative Code Division and the Joint Committee on Administrative Rules have been made.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

All changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.

- 13) Will the Rule Replace an Emergency Rule Currently in Effect? No
- 14) Are there any other Amendments Pending on this Part? Yes

Section Numbers: Proposed Action: Illinois Register Citation:

1130.140	Amendment	16 Ill. Reg. 4755 (March 27, 1992)
1130.220	Amendment	16 Ill. Reg. 4755 (March 27, 1992)
1130.410	Amendment	16 Ill. Reg. 4755 (March 27, 1992)
1130.510	Amendment	16 Ill. Reg. 4755 (March 27, 1992)
1130.620	Amendment	16 Ill. Reg. 4755 (March 27, 1992)
1130.630	Amendment	16 Ill. Reg. 4755 (March 27, 1992)
1130.640	Amendment	16 Ill. Reg. 4755 (March 27, 1992)
1130.710	Amendment	16 Ill. Reg. 4755 (March 27, 1992)
1130.720	Amendment	16 Ill. Reg. 4755 (March 27, 1992)
1130.730	Amendment	16 Ill. Reg. 4755 (March 27, 1992)
1130.740	Amendment	16 Ill. Reg. 4755 (March 27, 1992)
1130.760	Amendment	16 Ill. Reg. 4755 (March 27, 1992)
1130.770	Amendment	16 Ill. Reg. 4755 (March 27, 1992)
1130.780	Amendment	16 Ill. Reg. 4755 (March 27, 1992)
1130.Appendix A	Amendment	16 Ill. Reg. 4755 (March 27, 1992)

- 15) Summary and Purpose of Rules:

This rulemaking introduces a necessary control function in the design project consideration. Prior to the adoption of these amendments, projects were allowed a 10 percent cost coverage on approved costs. As design projects contain no construction, no overrun will be allowed and the applicant will be held accountable for any costs that exceed the approved permit amount.

- 16) Information and Questions Regarding this Adopted Rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH

CHAPTER 11: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

SUBCHAPTER b: OTHER BOARD RULES

PART 1130

HEALTH FACILITIES PLANNING PROCEDURAL RULES

SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

Section	Statutory Authority/Applicability
1130.110	Public Hearings
1130.120	Purpose
1130.130	Definitions
1130.140	Incorporated Materials
1130.150	

SUBPART B: WHO IS SUBJECT TO THE HEALTH FACILITIES PLANNING ACT

Section	Persons Subject to the Act
1130.210	
1130.220	Necessary Parties to the Application for Permit or Exemption

SUBPART C: TRANSACTIONS SUBJECT TO REVIEW

Section	Transactions Subject to Review
1130.310	

SUBPART D: TRANSACTIONS WHICH ARE EXEMPT FROM REVIEW

Section	Transactions Which Are Exempt from Review
1130.410	

SUBPART E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

Section	Requirements for Exemptions Involving the Acquisition of Major Medical Equipment
1130.510	
1130.520	Requirements for Exemptions Involving the Change in Ownership of a Health Care Facility Other Than a Health Maintenance Organization
1130.530	Requirements for Exemptions Involving Health Maintenance Organizations
1130.540	Requirements for Exemptions Involving Involuntary Discontinuation
1130.550	Agency Processing of an Application for Exemption
1130.560	State Board Action
1130.570	Validity of an Exemption

SUBPART F: PROCEDURAL REQUIREMENTS FOR THE REVIEW AND PROCESSING OF

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD

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APPLICATIONS FOR PERMIT

Section	
1130.610	Duration of the Review Period and Time Frames
1130.620	Consultation, Classification and Completeness Review
1130.630	Agency Actions During the Review Period
1130.640	Extension of the Review Period Prior to Initial State Board Action
1130.650	Modification of an Application
1130.660	Approval of an Application
1130.670	Notice of Intent-to-Deny an Application
1130.680	Denial of an Application

SUBPART G: PERMIT VALIDITY, REPORTING REQUIREMENTS AND REVOCATION

Section	
1130.710	Validity of Permits
1130.720	Authorization to Obligate and Obligation
1130.730	Extension of the Obligation Period
1130.740	Renewal of a Permit
1130.750	Alteration of a Project for which a Permit Has Been Issued
1130.760	Annual Progress Reports
1130.770	Project Completion, Final Realized Costs and Cost Overruns
1130.780	Revocation of a Permit

SUBPART H: DECLARATORY RULINGS

Section	
1130.810	Declaratory Rulings

APPENDIX A Annual Inflation Adjustments to Review Thresholds

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1151 et seq.).

SOURCE: Adopted at 14 Ill. Reg. 7183, effective May 1, 1990; emergency amendment at 15 Ill. Reg. 4787, effective March 18, 1991; amended at 15 Ill. Reg. 9731, effective June 17, 1991; emergency amendments at 16 Ill. Reg. 13153, effective August 4, 1992, for a maximum of 150 days; emergency expired on January 1, 1993; amended at 17 Ill. Reg. 4448, effective March 24, 1993.

Section 1130.750 Alteration of a Project for which a Permit Has Been Issued

A permit is valid only for the defined construction or modification, equipment, site, amount and person(s) named in the application.

a) If a permit holder proposes to alter a project for which a permit has been issued, a request for alteration must be submitted to the State Board. Such a request must contain a description of the proposed

alteration and must address all applicable review criteria related to the alteration.

b) The following proposed alterations require approval by the State Board:

- 1) a change in the approved number of beds or stations; or
- 2) a change in the categories of service approved; or
- 3) a change in the square footage of the project if such change increases the exterior dimensions of the project; or
- 4) an increase in the cost of the project which exceeds ten percent of the original approved permit amount; or
- 5) an increase in the amount of funds to be borrowed; or
- 6) an increase in the revised permit amount previously approved by alteration; or
- 7) an increase in the cost of a master design project (See 77 Ill. Adm. Code 1110.60).

c) Alteration Procedures

1) The State Agency shall review the request for compliance with the review criteria and submit its findings to the State Board. If additional information is needed by the Agency to perform a review of the request, the permit holder shall be notified in writing.

2) A request for alteration reviewed by the State Board is subject to the provisions of 77 Ill. Adm. Code 1110.30, 1210.30, 1230-~~et~~ 1240 or 1120, which are applicable to the individual project. Any proposed alterations to a project which would, when taken as a separate component, require a permit under the Act, shall not be subject to review under this Section but shall require a new application.

d) Upon approval of a request for alteration, the Agency shall revise the permit to reflect the alteration and shall adjust all inventories accordingly.

e) Decisions on requests for alteration shall be transmitted, in writing, to the permit holder by the Executive Secretary.

f) Seven affirmative votes are required for approval of an alteration. The approval or denial of a request for alteration constitutes the State Board's final administrative decision. Approval of an alteration is based on the continued compliance of the project with 77 Ill. Adm. Code 1110 or 1120, and 77-III-Adm-Code--1230-et-1240 as applicable.

(Source: Amended at 17 Ill. Reg. 4448, effective March 24, 1993)

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DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part:
Processing, Classification Policies and Review Criteria
- 2) Code Citation:
77 Ill. Adm. Code 1110
- 3) Section Numbers:
1110.60
1110.235
Adopted Action:
New Section
New Section
- 4) Statutory Authority:
The Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq.)
- 5) Effective Date of Rules: March 24, 1993
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporations by Reference? No
- 8) Date Filed in Agency's Principal Office: March 24, 1993
- 9) Date Notice of Proposed Rules was Published in the Illinois Register:
16 Ill. Reg. 15328 - October 9, 1992
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No
If Yes, Date Agency Response Submitted for Approval to JCAR:
Date Statement of Objection was Published in the Illinois Register:
Difference Between Proposal and Final Version:
Various grammatical and technical changes recommended by the Administrative Code Division and the Joint Committee on Administrative Rules have been made.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

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NOTICE OF ADOPTED AMENDMENTS

All changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.

- 13) Will the Rule Replace an Emergency Rule Currently in Effect? No
- 14) Are there any other Amendments Pending on this Part? No
- 15) Summary and Purpose of Rules:

This rulemaking addresses the development of very large and costly construction projects (mega-projects) which are being developed by the health care industry. The rulemaking establishes specific standards for the review of the design phase of mega-projects and provides the Health Facilities Planning Board with a mechanism for initial review of the design costs as well as the anticipated construction that may occur as a result of the design project.

- 16) Information and Questions Regarding this Adopted rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH
CHAPTER 11: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLANPART 1110
PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA
SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section
1110.10 Introduction to Part 1110
1110.20 Projects Required to Obtain a Permit (Repealed)
1110.30 Processing and Reviewing Applications
1110.40 Classification of Projects
1110.50 Recognition of Services which Existed Prior to Permit Requirements
1110.55 Recognition of Non-Hospital Based Ambulatory Surgery Category of Service
1110.60 Master Design Projects

SUBPART B: REVIEW CRITERIA--DISCONTINUATION

Section
1110.110 Introduction
1110.120 Discontinuation--Definition
1110.130 Discontinuation--Review Criteria

SUBPART C: GENERAL REVIEW CRITERIA APPLICABLE TO ALL
PROJECTS OTHER THAN DISCONTINUATION

Section
1110.210 Introduction
1110.220 Definitions--General Review Criteria
1110.230 General Review Criteria
1110.235 Additional General Review Criteria
1110.240 Mergers, Consolidations and Acquisitions

SUBPART D: REVIEW CRITERIA RELATING TO ALL PROJECTS INVOLVING
ESTABLISHMENT OF ADDITIONAL BEDS OR SUBSTANTIAL CHANGE
IN BED CAPACITY

Section
1110.310 Introduction
1110.320 Bed Related Review Criteria

SUBPART E: MODERNIZATION REVIEW CRITERIA

Section
1110.1010 Introduction

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
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1110.410 Introduction
1110.420 Modernization Review Criteria

SUBPART F: CATEGORY OF SERVICE REVIEW CRITERIA--
MEDICAL/SURGICAL, OBSTETRIC, PEDIATRIC AND INTENSIVE CARE

Section
1110.510 Introduction
1110.520 Medical/Surgical, Obstetric, Pediatric and Intensive
1110.530 Care--Definitions
Medical/Surgical, Obstetric, Pediatric and Intensive Care--Review
Criteria

SUBPART G: CATEGORY OF SERVICE REVIEW CRITERIA--
COMPREHENSIVE PHYSICAL REHABILITATION

Section
1110.610 Introduction
1110.620 Comprehensive Physical Rehabilitation--Definitions
1110.630 Comprehensive Physical Rehabilitation Beds--Review Criteria

SUBPART H: CATEGORY OF SERVICE REVIEW CRITERIA--ACUTE
MENTAL ILLNESS

Section
1110.710 Introduction
1110.720 Acute Mental Illness--Definitions
1110.730 Acute Mental Illness--Review Criteria

SUBPART I: CATEGORY OF SERVICE REVIEW CRITERIA--SUBSTANCE ABUSE

Section
1110.810 Introduction
1110.820 Substance Abuse--Definitions
1110.830 Substance Abuse--Review Criteria

SUBPART J: CATEGORY OF SERVICE REVIEW CRITERIA--
NEONATAL INTENSIVE CARE

Section
1110.910 Introduction
1110.920 Neonatal Intensive Care--Definitions
1110.930 Neonatal Intensive Care--Review Criteria

SUBPART K: CATEGORY OF SERVICE REVIEW CRITERIA--BURN TREATMENT

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
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1110.1020 Burn--Definitions
1110.1030 Burn Treatment--Review Criteria

SUBPART L: CATEGORY OF SERVICE REVIEW CRITERIA--
THERAPEUTIC RADIOLOGY

Section
1110.1110 Introduction
1110.1120 Therapeutic Radiology--Definitions
1110.1130 Therapeutic Radiology--Review Criteria

SUBPART M: CATEGORY OF SERVICE REVIEW CRITERIA--
OPEN HEART SURGERY

Section
1110.1210 Introduction
1110.1220 Open Heart Surgery--Definitions
1110.1230 Open Heart Surgery--Review Criteria

SUBPART N: CATEGORY OF SERVICE REVIEW CRITERIA--CARDIAC
CATHETERIZATION

Section
1110.1310 Introduction
1110.1320 Cardiac Catheterization--Definitions
1110.1330 Cardiac Catheterization--Review Criteria

SUBPART O: CATEGORY OF SERVICE REVIEW CRITERIA--CHRONIC RENAL DIALYSIS

Section
1110.1410 Introduction
1110.1420 Chronic Renal Dialysis--Definitions
1110.1430 Chronic Renal Dialysis--Review Criteria

SUBPART P: CATEGORY OF SERVICE REVIEW CRITERIA--NON-HOSPITAL
BASED AMBULATORY SURGERY

Section
1110.1510 Introduction
1110.1520 Non-Hospital Based Ambulatory Surgery--Definitions
1110.1530 Non-Hospital Based Ambulatory Surgery--Projects Not Subject to This
Part
1110.1540 Non-Hospital Based Ambulatory Surgery--Review Criteria

SUBPART Q: CATEGORY OF SERVICE REVIEW CRITERIA--COMPUTER SYSTEMS

Section
1110.1610 Introduction (Repealed)

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
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NOTICE OF ADOPTED AMENDMENT(S)

1110.1620 Computer Systems--Definitions (Repealed)
1110.1630 Computer Systems--Review Criteria (Repealed)

SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA--GENERAL
LONG TERM CARE

Section
1110.1710 Introduction
1110.1720 General Long-Term Care--Definitions
1110.1730 General Long-Term Care--Review Criteria

SUBPART S: CATEGORY OF SERVICE REVIEW CRITERIA--SPECIALIZED
LONG-TERM CARE

Section
1110.1810 Introduction
1110.1820 Specialized Long-Term Care--Definitions
1110.1830 Specialized Long-Term Care--Review Criteria

SUBPART T: CATEGORY OF SERVICE REVIEW CRITERIA--
MAGNETIC RESONANCE

Section
1110.1910 Introduction
1110.1920 Magnetic Resonance--Definitions
1110.1930 Magnetic Resonance--Review Criteria

SUBPART U: CATEGORY OF SERVICE REVIEW CRITERIA--HIGH LINEAR
ENERGY TRANSFER (L.E.T.)

Section
1110.2010 Introduction
1110.2020 High Linear Energy Transfer (L.E.T.)--Definitions
1110.2030 High Linear Energy Transfer (L.E.T.)--Review Criteria

SUBPART V: CATEGORY OF SERVICE REVIEW CRITERIA--POSITRON
EMISSION TOMOGRAPHIC SCANNING (P.E.T.)

Section
1110.2110 Introduction
1110.2120 Positron Emission Tomographic Scanning (P.E.T.)--Definitions
1110.2130 Positron Emission Tomographic Scanning (P.E.T.)--Review Criteria

SUBPART W: CATEGORY OF SERVICE REVIEW CRITERIA--EXTRACORPOREAL
SHOCK WAVE LITHOTRIPSY

Section
1110.2210 Introduction

and/or design costs associated with an institutional master plan or with one or more future construction or modification projects. Project costs include: preplanning costs, site survey and soil investigation costs, architects fees, consultant fees and other fees related to planning or design. The master design project is for planning and design only and shall not contain any construction elements.

b) Review Coverage
Master design projects shall be classified as substantive. Such projects shall be reviewed to determine the financial and economic feasibility of the master design project itself, the need for the proposed master plan or for the future construction or modification project(s), and the financial and economic feasibility of the proposed master plan or of the future construction or modification project(s). Findings concerning the need for beds and services and financial feasibility made during the review of the master design project are applicable only for the master design project. Approval by the State Board of a master design project does not obligate approval or positive findings on future construction or modification projects implementing the design. Future applications including those involving the replacement or addition of beds are subject to the review criteria and bed need in effect at the time of State Board review.

c) Applicable Review Standards
1) The estimated project costs of a master design project shall be subject to review only under the applicable review criteria of 77 Ill. Adm. Code 1120.
2) The master plan or the future construction or modification project(s) proposed pursuant to the master design project shall be subject to the applicable review criteria of 77 Ill. Adm. Code 1120 and the following review criteria found in this Part:
Section 1110.230(a) Location
Section 1110.230(d) Background of Applicant
Section 1110.230(e) Alternatives to the Proposed Project
Section 1110.230(h) Medical Education
Section 1110.235(a) System Impact
Section 1110.320(a) Establishment of Additional Hospitals
Section 1110.320(b) Allocation of Additional Beds
Section 1110.420(b) Modern Facilities
Section 1110.530(a) Unit Size
Section 1110.630(a) Facility Size
Section 1110.730(a) Unit Size
Section 1110.830(b) Establishment or Addition of Substance Abuse Beds
Section 1110.930(a) Letter of Agreement
Section 1110.1030(b) Unit Size
Section 1110.1130(e) Tumor Registry
Section 1110.1230(b) Establishment of Open Heart Surgery

a) Definition
Master Design Project means a proposed project solely for the planning

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1110.2220 Extracorporeal Shock Wave Lithotripsy--Definitions
1110.2230 Extracorporeal Shock Wave Lithotripsy--Review Criteria
SUBPART X: CATEGORY OF SERVICE REVIEW CRITERIA--SELECTED ORGAN TRANSPLANTATION

Section
1110.2310 Introduction
1110.2320 Selected Organ Transplantation--Definitions
1110.2330 Selected Organ Transplantation--Review Criteria
SUBPART Y: CATEGORY OF SERVICE REVIEW CRITERIA--KIDNEY TRANSPLANTATION
Section
1110.2410 Introduction
1110.2420 Kidney Transplantation--Definitions
1110.2430 Kidney Transplantation--Review Criteria
APPENDIX A Medical Specialty Eligibility/Certification Boards
APPENDIX B State and National Norms on Square Footage by Department
APPENDIX C Statutory Citations for All State and Federal Laws and Regulations Referenced in Chapter 3

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1151 et seq.).

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 18498; amended at 9 Ill. Reg. 3734, effective March 6, 1985; amended at 11 Ill. Reg. 7333, effective April 1, 1987; amended at 12 Ill. Reg. 16099, effective September 21, 1988; amended at 13 Ill. Reg. 16078, effective September 29, 1989; emergency amendments at 16 Ill. Reg. 13159, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 16 Ill. Reg. 16108, effective October 2, 1992; amended at 17 Ill. Reg. 4453, effective March 24, 1993.

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section 1110.60 Master Design Projects

a) Definition
Master Design Project means a proposed project solely for the planning

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARDDEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
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- Section 1110.1330(b) Establishment or Expansion of Cardiac Catheterization Service
- Section 1110.1330(d) Modernization of Existing Cardiac Catheterization Equipment
- Section 1110.1430(b) Minimum Size of Renal Dialysis Center or Renal Dialysis Facilities
- Section 1110.1730(a) Facility Size
- Section 1110.1730(c) Zoning
- Section 1110.1830(a) Facility Size
- Section 1110.1830(c) Recommendation from the State Agencies
- Section 1110.1830(e) Zoning
- Section 1110.1930(f) Multi-Institutional Systems
- Section 1110.2030(a) Initial Introduction
- Section 1110.2130(d) Location
- Section 1110.2330(a) Establishment of a Program

3) The applicant must document that all beds and services to be developed pursuant to the master design project must be needed and that access to each service will be improved as a result of the proposed master plan or the construction or modification project(s). The applicant must indicate an anticipated completion date(s) for the future construction or modification projects, and document that:

- A) the proposed number of beds and services to be developed pursuant to the master design project must be consistent with the bed or service need determination of 77 Ill. Adm. Code 1100; or
- B) if bed or service need determinations do not support the proposed number of beds and services, that there are existing factors which support the need for such development at the time of project completion. Such factors include but are not limited to:
- limitations on governmental funded or charity patients that are expected to continue;
 - restrictive admission policies of existing planning area health care facilities that are expected to continue;
 - the planning area population is projected to exhibit indicators of medical care problems such as average family income below poverty levels or projected high infant mortality; and
- C) Utilization of the proposed beds and services will meet or exceed the utilization targets established in 77 Ill. Adm. Code 1100 within two years after completion of the future construction or modification project(s). Documentation shall include:
- historical service/bed utilization levels;
 - projected trends in utilization including the rationale and projection assumptions used in such

Projections:

- anticipated market factors such as referral patterns or changes in population characteristics (age, density, wellness) which would support utilization projections; and
- anticipated changes in the delivery of the service due to changes in technology, care delivery techniques or physician availability which would support the projected utilization levels.

(Source: Added at 17 Ill. Reg. 4453, effective March 24, 1993)

SUBPART C: GENERAL REVIEW CRITERIA APPLICABLE TO ALL
PROJECTS OTHER THAN DISCONTINUATION

Section 1110.235 Additional General Review Criteria

- a) "System Impact (Master Design Projects Only)" -- Review Criterion. The applicant must document that the proposed master plan or future construction or modification project(s) will have a positive impact on the health care delivery system of the planning area in terms of improved access, long term institutional viability, and availability of services. Documentation shall address:
- the availability of alternative health care facilities within the planning area and the impact the applicant's proposed future project(s) will have on the utilization of such facilities;
 - how the services proposed in the applicant's future project(s) will improve access to area residents;
 - what the potential impact on area residents would be if the proposed services were not to be replaced or developed; and
 - the anticipated role of the facility in the delivery system including anticipated patterns of patient referral, any contractual or referral agreement between the applicant and other providers which will result in the transfer of patients to the applicant's facility.
- b) Relationship to Previously Approved Master Design Projects -- Review Criterion
- The applicant must document that any construction or modification project submitted pursuant to an approved master design project is consistent with the approved design permit. When such construction or modification represents a single phase of a multiple phase master plan, the applicant must document that the proposed phase is consistent with the approved master plan, and that any elements which will be utilized to support additional phases are justified under the approved master design permit. Documentation shall consist of:
 - schematic architectural plans for all construction or

ILLINOIS REGISTER

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Illinois Savings and Loan Act of 1985
- 2) Code Citation: 38 Ill. Adm. Code 1000
- 3) Date of Administrative Code Division Review: March 23, 1993
- 4) Headings and Section Numbers of the Part Being Recodified:

38 Ill. Adm. Code 400 Illinois Savings and Loan Act of 1985

- 400.110 Filings
- 400.120 Conditions
- 400.130 Examination Fees
- 400.140 Annual Supervisory Fees (Repealed)
- 400.141 Supervisory Fees
- 400.142 Adjusted Supervisory Fees
- 400.143 Special Assessment (Emergency Expired)
- 400.150 Manner of Payment
- 400.205 Introduction
- 400.210 Association
- 400.220 Commissioner
- 400.230 Single Family Dwelling
- 400.240 Unsafe
- 400.250 Mobile Home
- 400.260 Mobile Home Chattel Paper
- 400.270 Person
- 400.280 Proposed Borrower
- 400.290 Redlining
- 400.310 Contracts (Repealed)
- 400.410 Permanent Reserve Shares
- 400.420 Dividend Advertising
- 400.430 Maintenance of Records
- 400.440 Business Plan
- 400.440 Appraisals
- 400.510 Prudent Person Rule
- 400.610 Investment Underwriting Practices
- 400.615 Discrimination and Redlining Prohibited
- 400.620 Loans Secured by Real Estate
- 400.630 Construction Loans
- 400.640 College Loans (Repealed)
- 400.650 Mobile Home Financing
- 400.660 Other Loans
- 400.665 Collateral Loans (Repealed)
- 400.670 Collateral Parity (Repealed)
- 400.675 Investment Parity (Repealed)
- 400.680 Unsecured Loans (Repealed)
- 400.690 Sale of Loans and Participations (Repealed)
- 400.690 Insider Loan Rates (Repealed)
- 400.700 Reverse Mortgage Loans
- 400.710

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- B) modification approved in the master design permit;
 - B) the estimated project cost for the proposed project and also for the total construction/modification project approved in the master design permit;
 - C) an item by item comparison of the construction elements (i.e., site, number of buildings, number of floors, etc.) in the proposed project to the approved master design permit; and
 - D) a comparison of proposed beds and services to those approved under the master design permit.
- 2) Approval of a proposed construction or modification project that is but one phase in a multiple phase project does not obligate approval or positive findings on construction or modification projects in future phases. Future applications, including those involving the replacement or addition of beds, are subject to the review criteria and bed need in effect at the time of State Board review.

(Source: Added at 17 Ill. Reg. 4453, effective March 24, 1993)

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NOTICE OF RECODIFICATION

400.720	Repurchase Agreements
400.810	Bonus Plans
400.910	Corrective Action
400.1010	Requirements
400.1020	Approval by the Commissioner
400.1030	Lending Limitations
400.1040	Investments by Service Corporations
400.1050	Ownership of Capital Stock of Service Corporation
400.1060	Prohibited Transactions
400.1070	Disclosure to Service Corporation
400.1080	Reporting Requirements
400.1090	Audit Requirements
400.1110	General
400.1120	Application
400.1130	Request for Preliminary Determination
400.1140	Amendment of Application (Repealed)
400.1150	Public Notice and Inspection
400.1160	Protest
400.1170	Oral Argument
400.1180	Application for and Maintenance of Branch Office after Conversion, Consolidation, Purchase of Assets or Merger
400.1190	Redesignation of Offices
400.1200	Termination of Operation and/or Closing of a Branch Office
400.1210	Agency Offices
400.1220	Remote Drive-In and/or Remote Pedestrian Facilities
400.1310	Approval
400.1320	Conversion to Stock
400.1330	Priority of Claim
400.1340	Effect on Reserve Requirements
400.1410	General
400.1420	Depositors
400.1430	Rate of Interest
400.1440	Overdraft Privilege
400.1450	Charges and Fees
400.1460	Disclosure
400.1470	Membership
400.1480	Approval and Authorization
400.1510	Applicability
400.1520	Definitions
400.1530	Filing
400.1540	Form of Documents
400.1550	Computation of Time
400.1560	Appearances
400.1570	Notice of Hearing
400.1580	Service of the Notice of Hearing
400.1590	Motion and Answer

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NOTICE OF RECODIFICATION

400.1600	Consolidation and Severance of Matters-Additional Parties
400.1610	Intervention
400.1620	Postponement or Continuance of Hearing
400.1630	Authority of Hearing Officer
400.1640	Bias or Disqualification of Hearing Officer
400.1650	Prehearing Conferences
400.1660	Discovery
400.1670	Subpoenas
400.1680	Conduct of the Hearing
400.1690	Default
400.1700	Evidence
400.1710	Official Notice
400.1720	Hostile Witnesses
400.1730	Transcription of Proceedings
400.1740	Briefs
400.1750	Hearing Officer's Findings, Opinions and Recommendations
400.1760	Order of the Commissioner
400.1770	Rehearings
400.1780	Existing Statutory or Agency Procedures and Practices
400.1790	Costs of Hearing
400.1800	Applicability
400.1810	Plain Meaning/Strict Interpretation
400.1905	Affiliate
400.1910	Assets
400.1915	Books of Record
400.1920	Capital Stock
400.1925	Charter
400.1930	Control
400.1935	Eligible Account Holder
400.1940	Eligibility Record Date
400.1945	Employee
400.1950	Equity Security
400.1955	Insured Institution
400.1970	Member
400.1972	Net Worth
400.1975	Officer
400.1980	Person
400.1982	Qualifying Deposit
400.1985	Sale
400.1990	Security
400.1993	Source Documents
400.1997	Subsidiary
400.2005	Liquidation Account and Proxies
400.2010	Mutual Holding Company Ceasing to be a Depository Institution

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400.2020	Directors of a Mutual Holding Company
400.2030	Stock Sales
400.2040	Stock of a Subsidiary of a Mutual Holding Company
400.2050	Stock Subsidiary Formation
400.2055	Net Worth Maintenance Agreement
400.2060	Members' Rights
400.2070	Investment
400.2105	Notice Requirement/Corrective Action
400.2110	Insider Abuses
400.2110	Penalty (Emergency Expired)
400.2120	Determination of the Qualification and Condition
400.2200	of an Out-of-State Acquisition
400.2300	Disposal of a Subsidiary
400.2310	Dividends
400.2320	Officers and Directors List
400.2330	Access to Books and Records
400.2340	Reports (Emergency Expired)
400.2400	Annual Audit Requirements
400.2410	Maintenance of Records
400.2420	Notice of Appointment of CPA
400.2500	Savings & Loan Company Filing Fees
400.2510	Savings and Loan Holding Company Supervisory Fees
400.2520	Examinations Fees
400.2530	Conditions
400.2540	Manner of Payment
400.2550	Transformation from Deposit to Non-Deposit
400.2700	(Emergency Expired)
400.2710	Purpose
	Composition, Appointment
5)	Outline of the Section Numbers and Headings of the Part as Recodified:
38 Ill. Adm. Code 1000	Illinois Savings and Loan Act of 1985
1000.110	Filings
1000.120	Conditions
1000.130	Examination Fees
1000.140	Annual Supervisory Fees (Repealed)
1000.141	Supervisory Fees
1000.142	Adjusted Supervisory Fees
1000.143	Special Assessment (Emergency Expired)
1000.150	Manner of Payment
1000.205	Introduction
1000.210	Association
1000.220	Commissioner
1000.230	Single Family Dwelling
1000.240	Unsafe

1000.250	Mobile Home
1000.260	Mobile Home Chattel Paper
1000.270	Person
1000.280	Proposed Borrower
1000.290	Redlining
1000.310	Contracts (Repealed)
1000.410	Permanent Reserve Shares
1000.420	Dividend Advertising
1000.430	Maintenance of Records
1000.440	Business Plan
1000.510	Appraisals
1000.610	Prudent Person Rule
1000.615	Investment Underwriting Practices
1000.620	Discrimination and Redlining Prohibited
1000.630	Loans Secured by Real Estate
1000.640	Construction Loans
1000.650	College Loans (Repealed)
1000.660	Mobile Home Financing
1000.665	Other Loans
1000.670	Collateral Loans (Repealed)
1000.675	Investment Parity (Repealed)
1000.680	Unsecured Loans (Repealed)
1000.690	Sale of Loans and Participations (Repealed)
1000.700	Insider Loan Rates (Repealed)
1000.710	Reverse Mortgage Loans
1000.720	Repurchase Agreements
1000.810	Bonus Plans
1000.910	Corrective Action
1000.1010	Requirements
1000.1020	Approval by the Commissioner
1000.1030	Lending Limitations
1000.1040	Investments by Service Corporations
1000.1050	Ownership of Capital Stock of Service Corporation
1000.1060	Prohibited Transactions
1000.1070	Disclosure to Service Corporation
1000.1080	Reporting Requirements
1000.1090	Audit Requirements
1000.1110	General
1000.1120	Application
1000.1130	Request for Preliminary Determination
1000.1140	Amendment of Application (Repealed)
1000.1150	Public Notice and Inspection
1000.1160	Protest
1000.1170	Oral Argument
1000.1180	Application for and Maintenance of Branch Office
	after Conversion, Consolidation, Purchase of Assets
	or Merger
1000.1190	Redesignation of Offices

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NOTICE OF RECODIFICATION

1000.1200	Termination of Operation and/or Closing of a Branch Office
1000.1210	Agency Offices
1000.1220	Remote Drive-In and/or Remote Pedestrian Facilities
1000.1310	Approval
1000.1320	Conversion to Stock
1000.1330	Priority of Claim
1000.1340	Effect on Reserve Requirements
1000.1410	General
1000.1420	Depositors
1000.1430	Rate of Interest
1000.1440	Overdraft Privilege
1000.1450	Charges and Fees
1000.1460	Disclosure
1000.1470	Membership
1000.1480	Approval and Authorization
1000.1510	Applicability
1000.1520	Definitions
1000.1530	Filing
1000.1540	Form of Documents
1000.1550	Computation of Time
1000.1560	Appearances
1000.1570	Notice of Hearing
1000.1580	Service of the Notice of Hearing
1000.1590	Motion and Answer
1000.1600	Consolidation and Severance of Matters-Additional Parties
1000.1610	Intervention
1000.1620	Postponement or Continuance of Hearing
1000.1630	Authority of Hearing Officer
1000.1640	Bias or Disqualification of Hearing Officer
1000.1650	Prehearing Conferences
1000.1660	Discovery
1000.1670	Subpoenas
1000.1680	Conduct of the Hearing
1000.1690	Default
1000.1700	Evidence
1000.1710	Official Notice
1000.1720	Hostile Witnesses
1000.1730	Transcription of Proceedings
1000.1740	Briefs
1000.1750	Hearing Officer's Findings, Opinions and Recommendations
1000.1760	Order of the Commissioner
1000.1770	Rehearings
1000.1780	Existing Statutory or Agency Procedures and Practices
1000.1790	Costs of Hearing

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1000.1800	Applicability
1000.1810	Plain Meaning/Strict Interpretation
1000.1905	Affiliate
1000.1910	Assets
1000.1915	Books of Record
1000.1920	Capital Stock
1000.1925	Charter
1000.1930	Control
1000.1935	Eligible Account Holder
1000.1940	Eligibility Record Date
1000.1945	Employee
1000.1950	Equity Security
1000.1955	Insured Institution
1000.1970	Member
1000.1972	Net Worth
1000.1975	Officer
1000.1980	Person
1000.1982	Qualifying Deposit
1000.1985	Sale
1000.1990	Security
1000.1993	Source Documents
1000.1997	Subsidiary
1000.2005	Liquidation Account and Proxies
1000.2010	Mutual Holding Company Ceasing to be a Depository Institution
1000.2020	Directors of a Mutual Holding Company
1000.2030	Stock Sales
1000.2040	Stock of a Subsidiary of a Mutual Holding Company
1000.2050	Stock Subsidiary Formation
1000.2055	Net Worth Maintenance Agreement
1000.2060	Members' Rights
1000.2070	Investment
1000.2105	Notice Requirement/Corrective Action
1000.2110	Insider Abuses
1000.2120	Penalty (Emergency Expired)
1000.2200	Determination of the Qualification and Condition of an Out-of-State Acquisition
1000.2300	Disposal of a Subsidiary
1000.2310	Dividends
1000.2320	Officers and Directors List
1000.2330	Access to Books and Records
1000.2340	Reports (Emergency Expired)
1000.2400	Annual Audit Requirements
1000.2410	Maintenance of Records
1000.2420	Notice of Appointment of CPA
1000.2500	Savings & Loan Company Filing Fees
1000.2510	Savings and Loan Holding Company Supervisory Fees
1000.2520	Examination Fees

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NOTICE OF RECODIFICATION

NOTICE OF RECODIFICATION

1000.2530 Conditions
 1000.2540 Manner of Payment
 1000.2550 Transformation from Deposit to Non-Deposit
 (Emergency Expired)
 1000.2700 Purpose
 1000.2710 Composition, Appointment

6) Conversion Table of Present and Recodified Parts:

Present Part Recodified Part

38 Ill. Adm. Code 400 38 Ill. Adm. Code 1000

400.110 1000.110
 400.120 1000.120
 400.130 1000.130
 400.140 1000.140
 400.141 1000.141
 400.142 1000.142
 400.143 1000.143
 400.150 1000.150
 400.205 1000.205
 400.210 1000.210
 400.220 1000.220
 400.230 1000.230
 400.240 1000.240
 400.250 1000.250
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 400.270 1000.270
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 400.310 1000.310
 400.410 1000.410
 400.420 1000.420
 400.430 1000.430
 400.440 1000.440
 400.510 1000.510
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 1000.1600
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NOTICE OF RECODIFICATION

400.1620
400.1630
400.1640
400.1650
400.1660
400.1670
400.1680
400.1690
400.1700
400.1710
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400.1740
400.1750
400.1760
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1000.2010
1000.2020
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1000.2050
1000.2055
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COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF RECODIFICATION

400.2070
400.2105
400.2110
400.2120
400.2200
400.2300
400.2310
400.2320
400.2330
400.2340
400.2400
400.2410
400.2420
400.2500
400.2510
400.2520
400.2530
400.2540
400.2550
400.2700
400.2710

1000.2070
1000.2105
1000.2110
1000.2120
1000.2200
1000.2300
1000.2310
1000.2320
1000.2330
1000.2340
1000.2400
1000.2410
1000.2420
1000.2500
1000.2510
1000.2520
1000.2530
1000.2540
1000.2550
1000.2700
1000.2710

NOTE: This Part is being recodified (transferred) due to the name change from Commissioner of Savings and Loan Associations to the Commissioner of Savings and Residential Finance.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF RECODIFICATION

450.440	Escrow
450.450	Audit Workpapers
450.460	Selection of Independent Auditor
450.470	Proceedings Affecting a License
450.475	Change in Business Activities
450.480	Change of Ownership, Control or Name or Address of Licensee
450.490	Bonding Requirements
450.610	Filing Requirements
450.620	Reporting Forms
450.630	Annual Report of Mortgage Activity
450.640	Annual Report of Brokerage Activity
450.650	Annual Report of Servicing Activity
450.660	Verification of National Residential Mortgage
450.710	Computation of National Residential Mortgage Foreclosure Rate
450.720	Computation of Illinois Residential Mortgage Foreclosure Rate
450.730	Excess Foreclosure Rate
450.740	Foreclosure Rate Hearing
450.750	Commissioner's Authority - Unusually High Rate New Loans
450.810	Transfer of Servicing
450.820	Real Property Tax and Hazard Insurance Payments
450.830	Payment Processing
450.840	Toll-Free Telephone Arrangement
450.850	Payoff of Outstanding Mortgage Loan
450.860	General Prohibition
450.910	Definition of Advertisement
450.920	Compliance with Other Laws
450.930	Requirements
450.940	Misleading and Deceptive Advertising Prohibition
450.950	Loan Brokerage Agreement
450.1010	Loan Brokerage Disclosure Statement
450.1020	Prohibited Practice
450.1030	Borrower Information Document
450.1110	Description of Required Documentation
450.1120	Maintenance of Records (Repealed)
450.1130	Loan Application Procedures
450.1140	Copies of Signed Documents
450.1150	Confirmation of Statements
450.1160	Cancellation of Application
450.1170	Maintenance of Records
450.1175	Notice to Joint Borrowers
450.1210	Inaccuracy of Disclosed Information
450.1220	Changes Affecting Loans in Process
450.1230	Prohibition of Unauthorized Lenders
450.1240	Good Faith Requirements
450.1250	

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NOTICE OF RECODIFICATION

1)	Heading of the Part: Residential Mortgage License Act of 1987
2)	Code Citation: 38 Ill. Adm. Code 1050
3)	Date of Administrative Code Division Review: March 23, 1993
4)	Headings and Section Numbers of the Part Being Recodified:
	38 Ill. Adm. Code 450 Residential Mortgage License Act of 1987
	Act
450.110	Administrative Decision
450.115	Assisting
450.120	Commissioner
450.125	Control
450.130	Document
450.135	Employee
450.140	First Tier Subsidiary
450.145	Hearing Officer
450.150	Material
450.160	Other Regulatory Agencies
450.165	Party
450.170	Principal Place of Business
450.175	State
450.185	License Investigation Fees
450.210	License Fees
450.220	Amended License Fees - Corporate Changes
450.230	Duplicate Original License Fees
450.240	Examination Fees
450.250	Direct Expenses of Out-of-State Examinations
450.255	Additional Full-Service Office Fees
450.260	Hearing Fees
450.270	Late Fees (Repealed)
450.280	Manner of Payment
450.290	Application for an Illinois Residential Mortgage License
450.310	Application for Renewal of an Illinois Residential Mortgage License
450.320	Waiver of License Fee
450.330	Full-Service Office
450.340	Additional Full-Service Office
450.350	Net Worth
450.410	Line of Credit (Repealed)
450.420	Examination Frequency
450.425	Late Audit Reports
450.430	

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NOTICE OF RECODIFICATION

450.1305	Approval Notice
450.1310	Inconsistent Conditions Prohibited
450.1315	Avoidance of Commitment
450.1320	Charges to Seller
450.1325	Intentional Delay
450.1330	No Duplication to Borrower of Seller's Costs
450.1335	Fees and Charges Prior to Closing
450.1340	Refunds on Failure to Close
450.1345	Representative at Closing
450.1350	Compliance with Other Laws
450.1355	Failure to Close - Disclosure
450.1360	Escrow Account Agreements at Closing
450.1410	General
450.1420	Interpretative Guidelines
450.1510	Applicability
450.1520	Definitions
450.1530	Filing
450.1540	Form of Documents
450.1550	Computation of Time
450.1560	Appearances
450.1570	Request for Hearing
450.1580	Notice of Hearing
450.1590	Service of the Notice of Hearing
450.1595	Bill of Particulars or Motion for More Definite Statement
450.1600	Motion and Answer
450.1610	Consolidation and Severance of Matters - Additional Parties
450.1620	Intervention
450.1630	Postponement or Continuance of Hearing
450.1640	Authority of Hearing Officer
450.1650	Bias or Disqualification of Hearing Officer
450.1660	Prehearing Conferences
450.1670	Discovery
450.1680	Subpoenas
450.1690	Conduct of Hearing
450.1700	Default
450.1710	Evidence
450.1720	Hostile Witnesses
450.1730	Record of Proceedings
450.1740	Briefs
450.1750	Hearing Officer's Recommendation
450.1760	Order of the Commissioner
450.1770	Rehearings and Reopening of Hearings
450.1790	Costs of Hearing
5)	Outline of the Section Numbers and Headings of the Part as Recodified:

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38 Ill. Adm. Code 1050	Residential Mortgage License Act of 1987
1050.110	Act
1050.115	Administrative Decision
1050.120	Assisting
1050.125	Commissioner
1050.130	Control
1050.135	Document
1050.140	Employee
1050.145	First Tier Subsidiary
1050.150	Hearing Officer
1050.160	Material
1050.165	Other Regulatory Agencies
1050.170	Party
1050.175	Principal Place of Business
1050.185	State
1050.210	License Investigation Fees
1050.220	License Fees
1050.230	Amended License Fees - Corporate Changes
1050.240	Duplicate Original License Fees
1050.250	Examination Fees
1050.255	Direct Expenses of Out-of-State Examinations
1050.260	Additional Full-Service Office Fees
1050.270	Hearing Fees
1050.280	Late Fees (Repealed)
1050.290	Manner of Payment
1050.310	Application for an Illinois Residential Mortgage License
1050.320	Application for Renewal of an Illinois Residential Mortgage License
1050.330	Waiver of License Fee
1050.340	Full-Service Office
1050.350	Additional Full-Service Office
1050.410	Net Worth
1050.420	Line of Credit (Repealed)
1050.425	Examination Frequency
1050.430	Late Audit Reports
1050.440	Escrow
1050.450	Audit Workpapers
1050.460	Selection of Independent Auditor
1050.470	Proceedings Affecting a License
1050.475	Change in Business Activities
1050.480	Change of Ownership, Control or Name or Address of Licensee
1050.490	Bonding Requirements
1050.610	Filing Requirements
1050.620	Reporting Forms

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NOTICE OF RECODIFICATION

1050.630	Annual Report of Mortgage Activity
1050.640	Annual Report of Brokerage Activity
1050.650	Annual Report of Servicing Activity
1050.660	Verification
1050.710	Computation of National Residential Mortgage Foreclosure Rate
1050.720	Computation of Illinois Residential Mortgage Foreclosure Rate
1050.730	Excess Foreclosure Rate
1050.740	Foreclosure Rate Hearing
1050.750	Commissioner's Authority - Unusually High Rate New Loans
1050.810	Transfer of Servicing
1050.820	Real Property Tax and Hazard Insurance Payments
1050.830	Payment Processing
1050.840	Toll-Free Telephone Arrangement
1050.850	Payoff of Outstanding Mortgage Loan
1050.860	General Prohibition
1050.910	Definition of Advertisement
1050.920	Compliance with Other Laws
1050.930	Requirements
1050.940	Misleading and Deceptive Advertising Prohibition
1050.950	Loan Brokerage Agreement
1050.1010	Loan Brokerage Disclosure Statement
1050.1020	Prohibited Practice
1050.1030	Borrower Information Document
1050.1110	Description of Required Documentation
1050.1120	Maintenance of Records (Repealed)
1050.1130	Loan Application Procedures
1050.1140	Copies of Signed Documents
1050.1150	Confirmation of Statements
1050.1160	Cancellation of Application
1050.1170	Maintenance of Records
1050.1175	Notice to Joint Borrowers
1050.1210	Inaccuracy of Disclosed Information
1050.1220	Changes Affecting Loans in Process
1050.1230	Prohibition of Unauthorized Lenders
1050.1240	Good Faith Requirements
1050.1250	Approval Notice
1050.1305	Inconsistent Conditions Prohibited
1050.1310	Avoidance of Commitment
1050.1315	Charges to Seller
1050.1320	Intentional Delay
1050.1325	No Duplication to Borrower of Seller's Costs
1050.1330	Fees and Charges Prior to Closing
1050.1335	Refunds on Failure to Close
1050.1340	Representative at Closing
1050.1345	Compliance with Other Laws
1050.1350	

6)

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NOTICE OF RECODIFICATION

1050.1355	Failure to Close - Disclosure
1050.1360	Escrow Account Agreements at Closing
1050.1410	General
1050.1420	Interpretative Guidelines
1050.1510	Applicability
1050.1520	Definitions
1050.1530	Filing
1050.1540	Form of Documents
1050.1550	Computation of Time
1050.1560	Appearances
1050.1570	Request for Hearing
1050.1580	Notice of Hearing
1050.1590	Service of the Notice of Hearing
1050.1595	Bill of Particulars or Motion for More Definite Statement
1050.1600	Motion and Answer
1050.1610	Consolidation and Severance of Matters - Additional Parties
1050.1620	Intervention
1050.1630	Postponement or Continuance of Hearing
1050.1640	Authority of Hearing Officer
1050.1650	Bias or Disqualification of Hearing Officer
1050.1660	Prehearing Conferences
1050.1670	Discovery
1050.1680	Subpoenas
1050.1690	Conduct of Hearing
1050.1700	Default
1050.1710	Evidence
1050.1720	Hostile Witnesses
1050.1730	Record of Proceedings
1050.1740	Briefs
1050.1750	Hearing Officer's Recommendation
1050.1760	Order of the Commissioner
1050.1770	Rehearings and Reopening of Hearings
1050.1790	Costs of Hearing

Conversion Table of Present and Recodified Parts:

Present Part	Recodified Part
38 Ill. Adm. Code 450	38 Ill. Adm. Code 1050
450.110	1050.110
450.115	1050.115
450.120	1050.120
450.125	1050.125
450.130	1050.130
450.135	1050.135
450.140	1050.140
450.145	1050.145

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NOTICE OF RECODIFICATION

450.150
450.160
450.165
450.170
450.175
450.185
450.210
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450.320
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450.470
450.475
450.480
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450.610
450.620
450.630
450.640
450.650
450.660
450.710
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450.820
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1050.150
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ILLINOIS REGISTER

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF RECODIFICATION

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ILLINOIS REGISTER

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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NOTE: This Part is being recodified (transferred) due to the name change from Commissioner of Savings and Loan Associations to the Commissioner of Savings and Residential Finance.

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

1) Heading of Part: Construction In Floodways of Rivers, Lakes and Streams
 2) Code Citation: 92 Ill. Adm. Code 700
 3) Section Numbers:
 700.10 700.70
 700.20 700.80
 700.30 700.90
 700.40 700.100
 700.50 700.110
 700.60
Adopted Action:
 New Section
 New Section
 New Section
 New Section
 New Section
 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 19, pars. 70, 78 and 78.1
 [615 ILCS 5/23, 29a & 30]

5) Effective date of rules: March 23, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date filed in agency's principal office: March 23, 1993

9) Notice of proposal published in Illinois Register:

November 13, 1992, 16 Ill. Reg. 17235

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

The quotation marks in the authority note have been removed. The Illinois Compiled Statutory citation has been added to the authority note.

In Section 700.10(b), the Department inserted the phrase "pursuant to 92 Ill. Adm. code 708" at the end of the sentence.

In Section 700.10(c), the Department added the phrase "Department of Transportation, Division of Water Resources construction related."

Section 700.10(c)(2) has been deleted and subsection (c)(3) renumbered to (c)(2).

In Section 700.20, "Definitions," the definition of "Construction" has been revised to include reconstruction, and, to include an additional example of what construction is considered to be.

DEPARTMENT OF TRANSPORTATION

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Section 700.40, "Permit Application" has been substantially revised to include, more specifically, what should be included in the submission of the application form. Also, two additional addresses are now provided when writing to request permit application forms. Additionally, a statement notifying applicants of the utilization of a joint application form between the Department, the U.S. Army Corps of Engineers and the Illinois Environmental Protection Agency is included in this Section.

The word "new" has been deleted from the first line of Section 700.60, "Departmental Standards." Also in this Section, the reference to subsection (b) has been corrected.

Section 700.60(b)(5) has been deleted and (b)(6) has been renumbered to (b)(5). Renumbered subsection (b)(5) has been revised to specify that "increased" scour, erosion and sedimentation would be prevented by the use of riprap or other design measures.

In Section 700.70(a), the word "For" is now in lower case. Same comment applies for subsection (b) of this Section.

Section 700.70(a)(5) has been deleted and (a)(6) has been renumbered to (a)(5). Renumbered subsection (a)(5) has been revised to specify "increased" scour, erosion and sedimentation would be prevented by the use of riprap or other design measures.

The first sentence in Section 700.80, "Statewide permits," has been revised.

Section 700.100(a), "Violations and Enforcement," has been revised to state that an investigation will be conducted to determine the facts regarding the "activity or violation." In the second sentence, the word "judicial" has been deleted.

In Section 700.100(b), the following phrases were deleted:

"from affected parties," "by affected parties," and "including legal description."

In Section 700.110, "Final Administrative Decision," the citation to the Administrative Review Law has been corrected.

Various nonsubstantive, technical corrections were made throughout the Part.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules:

This rulemaking establishes a construction regulation program in the floodways of the rivers, lakes and streams of the State. Excepted are those floodways which have been defined pursuant to 92 Ill. Adm. Code 708. The purpose of the program is to protect the rights, safety and welfare of private and public landowners.

Permits are required for any construction in the floodway of any stream serving a tributary area of 640 acres or more in an urban area, or, 6400 acres or more in a rural area. Exempted activities are listed in the Part. Application procedures and standards for permit issuance are also provided.

Additionally, this Part includes Statewide permits which are provided to reduce unnecessary paperwork for projects with minor floodway impacts. Finally, procedures for handling violations of this Part or the terms of a permit issued under this Part are provided.

- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. Martin J. Stralow, P.E.
Chief, Bureau of Resource Management
Illinois Department of Transportation
Division of Water Resources
P. O. Box 19484
Springfield, Illinois 62794-9484
(217) 782-3863

The full text of the Adopted Rules begins on the next page:

ILLINOIS REGISTER
DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER 1: WATER RESOURCES

PART 700
CONSTRUCTION IN FLOODWAYS OF RIVERS, LAKES AND STREAMS

Section

- 700.10 Purpose
- 700.20 Definitions
- 700.30 Jurisdiction
- 700.40 Permit Application
- 700.50 Notice to Interested Parties
- 700.60 Departmental Standards
- 700.70 Special Provisions for Bridges and Culverts
- 700.80 Statewide Permits
- 700.90 Denial of Applications
- 700.100 Violations and Enforcement
- 700.110 Final Administrative Decision

AUTHORITY: Implementing and authorized by the Rivers, Lakes and Streams Act (Ill. Rev. Stat. 1991, ch. 19, pars. 70, 78 and 78.1) [615 ILCS 5/23, 29a and 30].

SOURCE: Adopted at 17 Ill. Reg. 4484, effective March 23, 1993.

Section 700.10 Purpose

- a) The purpose of this Part is to protect the rights, safety and welfare of private and public landowners by the regulation of floodway development. Construction activities which restrict a stream's capacity to carry flood flows may result in channel instability and increased flood damages to neighboring properties.
- b) This Part applies to all rivers, lakes and streams under the Department's jurisdiction except those in the counties of Cook, Will, DuPage, Kane, Lake and McHenry for which floodway limits have been defined pursuant to 92 Ill. Adm. Code 708.
- c) Compliance with this Part does not excuse an applicant from complying with the following Department of Transportation, Division of Water Resources construction related rules:

- 1) Rules for Construction and Maintenance of Dams, 92 Ill. Adm. Code 702. This Part is applicable statewide.

- 2) Regulation of Public Waters, 92 Ill. Adm. Code 704. This Part applies to the entire State geographically but is limited to only those lakes, rivers, streams and waterways that are considered public waters.

- d) Additionally, permits issued under this Part do not relieve the permittee of the responsibility of securing all other required authorizations.

Section 700.20 Definitions

As used in this Part, the words and terms listed shall have the meanings ascribed to them as follows:

"Bridge or Culvert Reconstruction" The total replacement of an existing bridge or culvert, including substructure and superstructure, on the existing road alignment or on an alignment within 100 feet upstream or downstream of the existing alignment in an urban area, or within 500 feet upstream or downstream of the existing alignment in a rural area.

"Construction" The placement, erection, or reconstruction of any building or structure, any filling or excavation, the installation of any utility, or the storage of any materials. Construction includes, but is not limited to, modifications to an existing building which would increase the building's outside dimensions, channel modifications and enclosures, roads, bridges, culverts, levees, bank protection, walls, fences, and any other man-made activity which would modify the physical features of a floodway with respect to the storage or conveyance of flood waters. Construction does not include normal maintenance and repair activities or farming operations such as discing and plowing.

"Department" The Illinois Department of Transportation.

"Floodway" The channel of a river, lake or stream and that portion of the adjacent land area which is needed to safely store and convey flood waters. Where floodways have been delineated for regulatory purposes, the mapped lines show the floodway encroachment limits and will be used. For other areas, floodway limits will be estimated, using hydrologic and hydraulic calculations, to preserve adequate conveyance and storage so that stage increases for the 100-year frequency flood would not exceed 0.1 foot.

"Permittee" The person issued a permit pursuant to this Part.

"Rural Areas" All areas of the State not classified as urban areas.

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"Urban Areas" Areas of the State where residential, commercial or industrial development currently exists or, based on land use plans or controls, is expected to occur within 10 years of the application date. In determining urban areas, the Department will consider the expertise of local officials, regional and local planning commissions, city and county planners, or private development planners, as well as all available mapping. Areas with only isolated or widely scattered buildings will not be classified as urban areas.

"Worst-case Analysis" The calculation of the maximum increases in flood heights, velocities and damages a project would cause due to conveyance and storage losses considering both the project alone and the combined effects of other existing construction and construction which could reasonably be anticipated to be proposed in the locality. Flood events up to and including the 100-year frequency flood shall be used in this analysis.

Section 700.30 Jurisdiction

a) Construction in the floodway of any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area, is subject to this Part and requires a permit from the Department.

b) The following activities are exempt from this Part:

- 1) Installation of field tile systems, tile outlet structures, and any water or sediment control construction activity in any floodway land (overbank) area which would not obstruct flood flows such as grade stabilization structures and waterways;
- 2) Installation of irrigation equipment in any floodway land (overbank) area;
- 3) Work on private lakes which would not impact the dam or traverse the lake such as the construction of boat docks, bank stabilization and maintenance dredging;
- 4) Removal of brush, woody vegetation, trash or other debris;
- 5) Routine maintenance and repair of existing structures;
- 6) Maintenance and repair, to preserve design capacity and function, of artificially improved stream channels, drainage ditches, levees and pumping stations;

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- 7) Maintenance and repair of existing bridge and culvert structures, including dredging to restore the waterway opening to the original design cross section, and superstructure replacement which would not reduce the waterway opening (maintenance does not include increasing the height of an existing roadway);
- 8) Widening of bridge decks;
- 9) Culvert extensions of up to 100% of the original length, but not exceeding 40 feet in length, provided the extension involves no change in alignment or reduction in size from the existing culvert;
- 10) Removal of bridge and culvert structures provided no materials would be placed in a way which would obstruct normal or flood flows; and
- 11) Installation of fences in rural areas.

Section 700.40 Permit Application

An applicant who desires a permit under this Part shall file with the Department an application consisting of a properly executed application form and all plans and information required to determine the effect of the construction on the carrying capacity of the stream. All portions of the application form, including the name and address of the applicant, a description of the proposed activity, the location of the activity, and the names and addresses of all adjoining property owners, shall be completed and all required attachments must be submitted before a determination of permissibility will be made. Application forms may be obtained from the Illinois Department of Transportation, Division of Water Resources at the following addresses:

3215 Executive Park Drive, P.O. Box 19484
Springfield IL 62794-9484

310 South Michigan Avenue
Chicago IL 60604

201 West Center Court - 3rd Floor, East
Schaumburg IL 60196-1096

Many activities permitted under this Part require review of the U. S. Army Corps of Engineers and the Illinois Environmental Protection Agency. To simplify application procedures, the Illinois Department of Transportation, Division of Water Resources utilizes a joint application form with these two agencies.

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NOTICE OF ADOPTED RULES

velocities. Absent contrary evidence, this standard will be considered met if, for the worst-case analysis, the application shows that:

- 1) any water surface profile increase would be contained within the channel banks (or within existing vertical extensions of the channel banks such as within the design protection grade of existing levees or floodwalls) or flood easements; or
- 2) in urban areas, the water surface profile increase would not exceed 0.5 feet at the structure, nor 0.1 foot at a point 1000 feet upstream of the structure as determined by the horizontal projection of the increase and the slope of the hydraulic grade line; or
- 3) in rural areas, the water surface profile increase would not exceed 1.0 foot at the structure, nor 0.5 feet at a point 1000 feet upstream of the structure as determined by the horizontal projection of the increase and the slope of the hydraulic grade line; and
- 4) any increase in average channel velocity would not be beyond the scour velocity of the predominant soil type of the channel; or
- 5) increased scour, erosion and sedimentation would be prevented by the use of riprap or other design measures.

b) General Standards for Bridge and Culvert Reconstruction

A bridge or culvert reconstruction project which would meet the following provisions will be permissible. A reconstruction project which would not meet these provisions must comply with the general standards for new bridges and culverts.

- 1) The reconstruction (including approach roads) shall be no more restrictive to normal and flood flows than the existing bridge or culvert crossing; and
- 2) Documentation must be provided that the existing crossing has not caused demonstrable flood damage. In the case of public projects, certification by a District Engineer of the Department's Division of Highways, a County Engineer (if a Professional Engineer), or a Municipal Engineer (if a Professional Engineer) that the existing crossing has not caused demonstrable flood damage will be adequate documentation.

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Section 700.50 Notice to Interested Parties

When necessary or helpful to obtain information required for its evaluation, the Department will issue a notice of the application to potentially impacted parties allowing a period of 21 days for comment. This notice procedure will generally be limited to major projects such as levees and channel modifications.

Section 700.60 Departmental Standards

- a) Except as provided in Section 700.70, construction which would result in an obstruction to flood flows or a reduction in flood storage capacity in a delineated floodway will not be permitted unless the application shows the criteria of subsection (b) below are met.
- b) Permits will be granted for construction which would not singularly or cumulatively result in flood damages or potential flood damages outside the project right-of-way due to increases in flood heights or velocities. Absent contrary evidence, this standard will be considered met if, for the worst-case analysis, the application shows that:

- 1) any water surface profile increase would be contained within the channel banks (or within existing vertical extensions of the channel banks such as within the design protection grade of existing levees or floodwalls) or flood easements; or
- 2) in urban areas, the water surface profile increase would not exceed 0.1 foot; or
- 3) in rural areas, the water surface profile increase would not exceed 0.5 feet; and
- 4) any increase in average channel velocity would not be beyond the scour velocity of the predominant soil type of the channel; or
- 5) increased scour, erosion and sedimentation would be prevented by the use of riprap or other design measures.

Section 700.70 Special Provisions for Bridges and Culverts

a) General Standards for New Bridges and Culverts

Permits will be granted for new bridges and culverts which would not result in flood damages or potential flood damages outside the project right-of-way due to increases in flood heights or

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Section 700.80 Statewide Permits

The Department may, by issuance of a statewide permit, grant approval for specific types of activities, for example, minor boat docks and utility crossings, which meet the standards defined in Section 700.60 or 700.70. Subsequent to the issuance of a statewide permit, no application or further authorization will be required by the Department for activities meeting the terms and conditions of the statewide permit. Statewide permits will be issued only after notice and opportunity for public review and comment.

Section 700.90 Denial of Applications

Applications not meeting the requirements of this Part will be denied. If an application for permit is denied, the Department will submit a letter, based on the administrative record, to the applicant explaining the reason(s) for denial. The application may be resubmitted for consideration if it can be modified to meet the Department's objections as specified in the letter of denial.

Section 700.100 Violations and Enforcement

a) When the Department becomes aware of an unauthorized activity or permit violation, it will conduct an investigation to determine the facts regarding the activity or violation and will advise the responsible party what actions are required to comply with State statutes and this Part. When the responsible party fails to perform the specified actions, enforcement will be sought as determined by the Department to be necessary and appropriate.

b) Investigations may be initiated by the Department on its own or in response to complaints involving activities undertaken without a permit, or activities not in compliance with the terms and conditions of a permit. Complaints shall be in writing and shall contain the name, address and telephone number of the party believed to be responsible, the nature of the alleged violation, the location of the activity and the name of the body of water affected.

Section 700.110 Final Administrative Decision

The approval or denial of applications for permit under this Part shall be considered final administrative decisions and are subject to judicial review in accordance with Article III of the Code of Civil Procedure (Administrative Review Law) (Ill. Rev. Stat. 1991, ch. 110, par. 3-101 thru 3-112) [735 ILCS 5/3-101 thru 3-112].

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DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part: Regulation of Public Waters

2) Code Citation: 92 Ill. Adm. Code 704

3) Section Numbers:

704.10	704.80	704.150
704.20	704.90	704.Appendix A
704.30	704.100	
704.40	704.110	
704.50	704.120	
704.60	704.130	
704.70	704.140	

Adopted Action:

New Section
New Section
New Section
New Section
New Section
New Section
New Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 19, pars. 51.9 et seq. [615 ILCS 5/4.9 et seq.]

5) Effective date of rules: March 23, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date filed in agency's principal office: March 23, 1993

9) Notice of proposal published in Illinois Register:

November 13, 1992, 16 Ill. Reg. 17244

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

The table of contents has been revised at Section 704.70.

The quotation marks have been removed in the authority note. The ILCS citation has been added to the Authority note.

Section 704.10(a)(1),(2) and (3) have been revised slightly.

Section 704.10(c) has been revised.

Section 704.20, "Barge Fleeting Area," now includes the ILCS citation.

Also in Section 704.20, "Public Bodies of Water or Public Waters" has been revised to specifically state that all bayous, sloughs, backwaters and submerged lands connected by water to the main channel or body of

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

water during normal flows or stages are included.

In Section 704.30(a), "Jurisdiction," language has been deleted.

Section 704.50, "Permit Application," has been significantly revised. More specificity in terms of what should be included with the application form has been added, along with the Department's Chicago and Schaumburg addresses when requesting an application form. Finally, language has been added which clarifies that the Department utilizes a joint application form with the U.S. Army Corps of Engineers and the Illinois Environmental Protection Agency.

In Section 704.70, the Section heading has been changed along with some reformatting and renumbering changes.

The Department removed the word "initial" from Section 704.80(a).

The Department slightly revised Section 704.80(a)(2) and (3) and added a new subsection (4) to include: "Bank or shoreline instability on other properties." An additional unlabelled sentence was added at the end of this Section stating that an activity which would not cause any of the listed impacts will be considered permissible under this Part.

In Section 704.90, "Departmental Standards," the Department inserted a new subsection (b) and renumbered old (b) to (c).

In Section 704.110, "Statewide and Regional Permits," the Department deleted some language in the middle of the paragraph and included a reference to Section 704.80.

In Section 704.140(a) "Violations and Enforcement," several words were deleted.

Same comment as above for Section 704.140(b).

In Section 704.150, "Final Administrative Decision," the Department is now correctly citing to the Administrative Review Law.

Several technical, nonsubstantive corrections were made throughout the Part.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

15) Summary and purpose of rules: This rulemaking establishes construction permit requirements intended to prevent interference with navigation and encroachment on any public body of water, and, to prevent the impairment of the rights, interests or uses of the public in any public body of water. This Part includes a listing of exempted activities, as well as a list of public bodies of water and the procedure for adding bodies of water to the list.

Construction in a public body of water requires a permit under this Part. Application procedures and required information are provided.

Construction permitted must minimize or mitigate, to the extent practical, any encroachment or impairment of the public interests. Any encroachment or impairment must be offset by a public benefit.

Additionally, Statewide and Regional, as well as General Permits are provided for to alleviate unnecessary paperwork for projects which are minor in nature. Finally, procedures for handling violations of this Part or the terms of a permit issued under this Part are provided.

16) Information and questions regarding these adopted rules shall be directed to:

Mr. Martin J. Stralow, P.E.
Chief, Bureau of Resource Management
Illinois Department of Transportation
Division of Water Resources
P. O. Box 19484
Springfield, Illinois 62794-9484
(217) 782-3863

The full text of the Adopted Rules begins on the next page:

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DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER i: WATER RESOURCESPART 704
REGULATION OF PUBLIC WATERS

Section	Purpose
704.10	Purpose
704.20	Definitions
704.30	Jurisdiction
704.40	List of Public Waters and Provision For Additions
704.50	Permit Application
704.60	Notice to Interested Parties
704.70	Land Conversions and Fill Material Placement
704.80	Department Evaluation
704.90	Departmental Standards
704.100	Emergency Permit
704.110	Statewide and Regional Permits
704.120	General Permits
704.130	Denial of Applications
704.140	Violations and Enforcement
704.150	Final Administrative Decision
704.Appendix A:	Public Bodies of Water

AUTHORITY: Implementing and authorized by the Rivers, Lakes and Streams Act (Ill. Rev. Stat. 1991, ch. 19, pars. 51.9 et seq.) [615 ILCS 5/4.9 et seq.].

SOURCE: Adopted at 17 Ill. Reg. 4494, effective March 23, 1993.

NOTE: Capitalization denotes statutory language.

Section 704.10 Purpose

- a) The purpose of this Part is to protect the public's interests, rights, safety and welfare in the State's public bodies of water. More specifically, construction will be regulated to prevent:
- 1) Obstruction to, or interference with, the navigability of any public body of water;
 - 2) Encroachment on any public body of water; and
 - 3) Impairment of the rights, interests or uses of the public in any public body of water or in the natural resources thereof.
- b) This Part applies to the entire State geographically but is limited to only those lakes, rivers, streams and waterways that are considered to be public waters.

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NOTICE OF ADOPTED RULES

- c) Compliance with this Part does not excuse an applicant from complying with the following Department of Transportation, Division of Water Resources construction related rules:

- 1) Rules for Construction and Maintenance of Dams, 92 Ill. Adm. Code 702. This Part is applicable statewide.
- 2) Floodway Construction in Northeastern Illinois, 92 Ill. Adm. Code 708. This Part applies to all defined floodways in the counties of Cook, Will, DuPage, Kane, Lake and McHenry.
- 3) Construction in Floodways of Rivers, Lakes and Streams, 92 Ill. Adm. Code 700. This Part is applicable to all rivers, lakes and streams under the Department's jurisdiction except those in the counties of Cook, Will, DuPage, Kane, Lake and McHenry for which floodway limits have been defined pursuant to 92 Ill. Adm. Code 708.

- d) Additionally, permits issued under this Part do not relieve the permittee of the responsibility of securing all other required authorizations.

Section 704.20 Definitions

As used in this Part, the words and terms listed shall have the meanings ascribed to them as follows:

"BARGE FLEETING AREA" A FACILITY, AT A FIXED SITE, WHICH IS USED TO PROVIDE BARGE MOORING SERVICES (Ill. Rev. Stat. 1991, ch. 19, par. 65) [615 ILCS 5/18].

"Construction" The placement, erection, or reconstruction of any building or structure, any filling or excavation, the installation of any utility, or the storage of any materials. Construction includes, but is not limited to, barge loading and unloading facilities, marinas, dredging and the disposal of dredged material, bridges, boat docking facilities, and bank protection activities.

"Department" The Illinois Department of Transportation.

"Permittee" The person issued a permit pursuant to this Part.

"Public Bodies of Water" or "Public Waters" All lakes, rivers, streams and waterways which are or were navigable and are open or dedicated to public use including all bayous, sloughs, backwaters and submerged lands connected by water to the main channel or body of water during normal flows or stages.

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Section 704.30 Jurisdiction

- a) Construction in any public body of water is subject to this Part and requires a permit from the Department.
- b) Any activity on a public body of water which could result in a restriction of the access to, or use or enjoyment of, the water such as the temporary placement of floating buildings for commercial purposes and the designation of areas for exclusive use for sporting events, is subject to this Part and requires a permit from the Department.
- c) The following activities are exempt from this Part:
 - 1) Normal and lawful uses of a public body of water such as commercial navigation, boating, fishing, trapping, hunting, swimming, and wading;
 - 2) Barge fleeting areas;
 - 3) Duckblinds which comply with the regulations of the Illinois Department of Conservation;
 - 4) The removal of trash or other debris;
 - 5) Routine maintenance and repair of existing structures; and
 - 6) Channel marking buoys and other similar navigation devices placed by public agencies.

Section 704.40 List of Public Waters and Provision For Additions

The public waters of the State are listed in Section 704. Appendix A. When the Department obtains information sufficient to determine that a body of water is a public water, that body of water will be added to the list. Any person may petition for an order to add a body of water to the list when it can be shown that the candidate is or was navigable and is open or dedicated to public use. The petition shall contain the following information, when known:

- a) Name of the body of water, and in the case of a backwater lake or slough, the name of the main body of water it is connected to or a part of;
- b) Location: section, township, range, county;
- c) A statement on its past or present navigability; or, alternatively, a statement that it is a backwater lake or slough connected to or a part of a navigable body of water;

- d) The legal authority or instrument by which the body of water was opened or dedicated to public use; or
- e) If documentary evidence cannot be found, statements of persons living along that body of water that:
 - 1) It is common knowledge that the water has always been open to public use, or
 - 2) It is known that the riparian owners intended to dedicate the water to public use and a description of the information showing the intent to dedicate such as maps, plats, or written instruments;
- f) Names of federal or State agencies or units of local government operating, maintaining or regulating public use of the body of water; and
- g) Any maps, documents, or other data supporting the petition.

Section 704.50 Permit Application

An applicant who desires a permit under this Part shall file with the Department an application consisting of a properly executed application form and all plans and information required to determine the effect of the construction on the public body of water. All portions of the application form, including the name and address of the applicant, a description of the proposed activity, the location of the activity, and the names and addresses of all adjoining property owners, shall be completed and all required attachments must be submitted before a determination of permissibility will be made. Application forms may be obtained from the Illinois Department of Transportation, Division of Water Resources at any of the following addresses:

3215 Executive Park Drive, P.O. Box 19484
Springfield IL 62794-9484

310 South Michigan Avenue
Chicago IL 60604

201 West Center Court - 3rd Floor, East
Schaumburg IL 60196-1096

Many activities permitted under this Part require review of the U. S. Army Corps of Engineers and the Illinois Environmental Protection Agency. To simplify application procedures, the Illinois Department of Transportation, Division of Water Resources utilizes a joint application form with these two agencies.

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Section 704.60 Notice to Interested Parties

Upon receipt of an application the Department will, unless the activity is covered by a Statewide, Regional or General Permit (see Sections 704.110 and 704.120 of this Part), issue a notice of the application, allowing a period of at least 21 days for the submission of comments. The notice will contain a description of the proposed activity, its location and the name of a Department contact. Notices will be released as news items and will be mailed to the following:

- a) Owners of adjacent and potentially affected property;
- b) Interested State and federal agencies;
- c) Area legislators;
- d) Local officials of potentially affected communities and governmental agencies;
- e) Adjacent states when interstate waters are involved;
- f) Groups and organizations known to have an interest in actions affecting the project area; and
- g) The applicant.

Section 704.70 Land Conversions and Fill Material Placement

a) Land Conversions

The conversion of public waters to private land by filling is prohibited.

b) Fill Material Placement

Fill material may be placed in public waters only for the following purposes:

- 1) Bank, shore or bluff protection;
- 2) Beach nourishment;
- 3) Establishing a uniform shoreline;
- 4) Spur dikes, wing dams, and similar structures;
- 5) Dams which would be in compliance with the Department's rules for Construction and Maintenance of Dams, 92 Ill. Adm. Code 702;

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- 6) Projects of an emergency nature which the Department determines to be in the public interest and which otherwise would be in compliance with this Part such as fills needed to prevent the failure of a structure;
- 7) Projects authorized by the General Assembly, to the extent necessary to achieve the purpose of the fill (such authorizations are only provided to public agencies to serve public purposes);
- 8) Filling of a slip pursuant to the provisions of Ill. Rev. Stat. 1991, ch. 19, par. 65 [615 ILCS 5/18J] (such permits are only granted after public hearing and with the approval of the Governor); and
- 9) Open water disposal of material dredged from a navigation channel. Open water does not include: any shallows or shorewaters predominantly occupied by submerged or floating aquatic vegetation regardless of bed material transport; any backwaters, sloughs, back channels, oxbows, or bays; areas within the depositional influence of dikes, sills, breakwaters, or other structures where subsequent sediment transport is largely arrested; or areas where sediment tends to accumulate or from which sediment may migrate into a backwater.

Section 704.80 Department Evaluation

- a) Upon receipt of an application the Department will make an evaluation, based on the type and magnitude of the activity and on the existing conditions of the body of water in the locality of the activity, of the potential of the activity to result in:
 - 1) An obstruction to, or interference with, the navigability of any public body of water;
 - 2) An encroachment on any public body of water;
 - 3) An impairment of any rights, interests or uses of the public in any public body of water or in the natural resources thereof; or
 - 4) Bank or shoreline instability on other properties.

If it is determined that the activity would not cause any of the listed impacts, the activity will be considered permissible under this Part.

- b) If it is determined that the activity would likely cause any of the impacts listed in subsection (a) of this Section, the applicant will be required to submit the following supplemental information (unless the plans are modified to remove the potential for the impact(s)):

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- 1) An evaluation of the benefits to the public interest in the body of water which would result from the activity;
- 2) A discussion of the measures to be provided in the project design, construction and operation which would minimize and/or mitigate the negative impacts; and
- 3) An analysis of the extent and permanence of the activity's encroachment on the body of water and of any impairment the activity would have on the rights, interests or uses of the public in the body of water and in the natural resources thereof. The analysis shall consider both the activity alone and the combined effects of similar activities which exist and/or could be lawfully undertaken in the locality. The analysis should be expressed in quantitative terms to the fullest extent practicable and should be performed by persons with expertise in such impact analysis.

Section 704.90 Departmental Standards

- a) No activity which would result in an obstruction to, or interference with, the navigability of any public body of water will be permitted.
- b) No activity which would result in bank or shoreline instability on other properties will be permitted.
- c) If it is determined that an activity would result in a long-term or permanent encroachment on a public body of water or impairment of any rights, interests or uses of the public in the body of water or in the natural resources thereof, a permit will be issued only if it is demonstrated that:

- 1) The project has been designed and will be constructed and operated in a way which will minimize and mitigate to the fullest practicable extent its encroachment on the body of water and its impairment of the rights, interests and uses of the public in the body of water and in the natural resources thereof; and
- 2) There would be a public benefit, such as the enhancement of navigation, boating, hunting or other normal and lawful use of the body of water, resulting from the activity which would offset the encroachment and/or impairment impacts.

Section 704.100 Emergency Permit

The Department may issue an emergency permit after receipt of a properly executed application (including an explanation of why the work to be performed

is of an emergency nature) if harm to life or loss of property is likely to occur if initiation of the activity is delayed. An applicant for an emergency permit is deemed to have agreed to make modifications, at its own expense, on required by the Department, based upon completion of a detailed review and comments received during the public comment period, to bring the activity into compliance with this Part.

Section 704.110 Statewide and Regional Permits

The Department may, by issuance of a statewide or regional permit, grant approval for specific types of activities, such as aerial utility crossings and recreational boat docking facilities, which would not cause the impacts listed in Section 704.80. Subsequent to the issuance of a statewide or regional permit, no application or further authorization will be required by the Department for activities meeting the terms and conditions of the permit. Statewide and regional permits will be issued only after notice and opportunity for public review and comment.

Section 704.120 General Permits

The Department may, for the purpose of providing more expeditious processing of permit applications, issue general permits pertaining to specific types of activities, such as boat launching facilities, meeting such conditions as necessary to assure compliance with the purpose and intent of this Part. General permits may be applicable on a statewide basis, or may be restricted to specified public bodies of water. Subsequent to the issuance of a general permit, individual applications must still be submitted but authorizations will be granted for activities meeting all of the terms and conditions of the general permit without notice or interagency coordination. General permits will be issued only after notice and opportunity for public review and comment.

Section 704.130 Denial of Applications

Applications not meeting the requirements of this Part will be denied. If an application for permit is denied, the Department will submit a letter, based on the administrative record, to the applicant explaining the reason(s) for denial. The application may be resubmitted for consideration if it can be modified to meet the Department's objections as specified in the letter of denial.

Section 704.140 Violations and Enforcement

- a) When the Department becomes aware of an unauthorized activity or permit violation, it will conduct an investigation to determine the facts regarding the activity or violation and will advise the responsible party what actions are required to comply with State statutes and this Part. When the responsible party fails to perform

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the specified actions, enforcement will be sought as determined by the Department to be necessary and appropriate.

- b) Investigations may be initiated by the Department on its own or in response to complaints involving activities undertaken without a permit, or activities not in compliance with the terms and conditions of a permit. Complaints shall be in writing and shall contain the name, address and telephone number of the party believed to be responsible, the nature of the alleged violation, the location of the activity, and the name of the body of water affected.
- c) ANY STRUCTURE, FILL, OR DEPOSIT ERECTED OR MADE IN ANY OF THE PUBLIC BODIES OF WATER OF THIS STATE determined to be IN VIOLATION of the regulation, IS A PURPRESTURE AND MAY BE ABATED AS SUCH AT THE EXPENSE OF THE PERSON, CORPORATION, COMPANY, CITY, MUNICIPALITY, OR OTHER AGENCY RESPONSIBLE THEREFOR (Section 18 of the Act). The Department may require the owner to remove the purpresture within 15 days after receipt of written notice. Any structure, fill, or deposit not so removed may be removed by the Department at the owner's expense.

Section 704.150 Final Administrative Decision

The approval or denial of applications for permit under this Part shall be considered final administrative decisions and are subject to judicial review in accordance with Article III of the Code of Civil Procedure (Administrative Review Law) (Ill. Rev. Stat. 1991, ch. 110, par. 3-101 thru 3-112) [735 ILCS 5/3-101 thru 3-112].

Section 704.Appendix A Public Bodies of Water

The following public bodies of water were navigable in their natural condition or were improved for navigation and opened to public use. The entire length and surface area in Illinois, including all backwater lakes and sloughs open to the main channel or body of water at normal flows or stages, are open to the public unless limited to a head of navigation as stated. Head of navigation descriptions use the U.S. rectangular survey system and these abbreviations: T = township, R = range, PM = principle meridian, Sec. = section, 1/4 = quarter section, N = north, E = east, S = south, W = west, USGS = U.S. Geological Survey.

- 1) Lake Michigan;
- 2) Chicago River: Main Branch;
- 3) Chicago River: North Branch to North Shore Channel;
- 4) Chicago River: South Branch;

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- 5) Chicago River: South Fork of South Branch;
- 6) Chicago River: East and West Arms of South Fork of South Branch;
- 7) Chicago River: West Fork of South Branch to Chicago Sanitary and Ship Canal;
- 8) Calumet River;
- 9) Lake Calumet and entrance channel to Calumet River;
- 10) Grand Calumet River;
- 11) Little Calumet River;
- 12) Wolf Lake (Cook County);
- 13) Mississippi River (including all backwater lakes such as Frenress Lake in Jo Daviess County, Boston Bay in Mercer County and Quincy Bay in Adams County);
- 14) Sinsiniwa River to North Line of Sec. 9, T28N, R1W, 4th PM in Jo Daviess County, which is located approximately two-thirds mile downstream from the U.S. Highway 20 bridge. This area is shown on the Galena, Ill.-Iowa, 7.5 minute USGS quadrangle map;
- 15) Galena River to East Line of Sec. 6, T28N, R1E, 4th PM in Jo Daviess County, which is located approximately one-half mile upstream from the County Highway 67 bridge. This area is shown on the Galena, Ill.-Iowa, 7.5 minute USGS quadrangle map;
- 16) Apple River to North Line of Sec. 35, T26N, R2E, 4th PM in Jo Daviess County;
- 17) Plum River to North Line, T24N, R3E, 4th PM in Carroll County, which is located approximately one and one-half miles upstream from the U.S. Highway 52 bridge. This area is shown on the Savanna, Ill., 15 minute USGS quadrangle map;
- 18) Rock River;
- 19) Pecatonica River;
- 20) Sugar River (Winnebago County);
- 21) Stillman Creek to South Line, T25N, R11E, 4th PM in Ogle County, which is located approximately one-third mile downstream from the Illinois Highway 72 bridge. This area is shown on the Stillman Valley, 7.5 minute USGS quadrangle map;

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- 22) Henderson Creek (new channel) to East Line, SW 1/4, Sec. 6, T10N, R5W, 4th PM in Henderson County. The river has been relocated and the old channel abandoned;
- 23) The Sny in Adams, Pike and Calhoun Counties. The area has been drained with levees and ditches and it is uncertain that any descendent body of water exists;
- 24) Bay Creek to West Line, Sec. 29, T8S, R3W, 4th PM in Calhoun County. The head of navigation is the limit of meanders on the official plat of survey; but it is uncertain that any descendent body of water exists;
- 25) Illinois River (including all backwater lakes such as Peoria Lake in Peoria, Tazewell and Woodford Counties; Matanzas Bay in Mason County; and Meredosia Lake in Cass and Morgan Counties);
- 26) Des Plaines River to Hoffman Dam in Cook County, which is located one-half mile downstream from the junction with Salt Creek. This area is shown on the Berwyn, 7.5 minute USGS quadrangle map;
- 27) Kankakee River;
- 28) Iroquois River to South Line, SW 1/4, Sec. 30, T27N, R12W, 2nd PM in Iroquois County, which is located approximately one mile downstream from the junction with Sugar Creek. This area is shown on the Gilman, 15 minute USGS quadrangle;
- 29) Fox River (Illinois River Basin);
- 30) Griswold Lake (McHenry County);
- 31) Fox Chain-O-Lakes (Lake and McHenry Counties): Bluff Lake, Lake Catherine, Channel Lake, Fox Lake, Grass Lake, Lake Marie, Nippersink Lake, Dunns Lake, Pistakee Lake, Lake Jerilyn, Lac Louette, Redhead Lake;
- 32) Vermillion River (Illinois River Basin) to approximately one-half mile above the mouth near Oglesby in LaSalle County;
- 33) Spring Lake (Tazewell County);
- 34) Spoon River to North Line, Sec. 24, T6N, R1E, 4th PM in Fulton County, which is located approximately one-half mile upstream from the Illinois Highway 95 bridge. This area is shown on the Smithfield, 7.5 minute USGS quadrangle map;

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- 35) Sangamon River to South Line, NE 1/4, Sec. 1, T15N, R4W, 3rd PM in Sangamon County, which is located approximately one mile south of the Mechanicsburg Road bridge. This area is shown on the Mechanicsburg, 7.5 minute USGS quadrangle map;
- 36) Sangamon River: South Fork to South Line, Sec. 33, T16N, R4W, 3rd PM in Sangamon County, which is located approximately two miles upstream from the mouth. This area is shown on the Springfield-East, 7.5 minute USGS quadrangle map;
- 37) Macoupin Creek to East Line, Sec. 25, T9N, R13W, 3rd PM in Green and Jersey Counties, which is located approximately one mile downstream from the junction with Boyer Creek. This area is shown on the Boyer Creek, 7.5 minute USGS quadrangle map;
- 38) Otter Creek to East Line of Sec. 3, T7N, R13W, 3rd PM in Jersey County, which is located approximately two miles east of the Illinois Highway 100 bridge. This area is shown on the Nutwood, 7.5 minute USGS quadrangle map;
- 39) Kaskaskia River to East Line, SW 1/4, Sec. 31, T8N, R2E, 3rd PM, which is located nine miles south and two miles west of Herrick. This area is shown on the Vera, 7.5 minute USGS quadrangle map;
- 40) Big Muddy River to East Line T8S, R2W, 3rd PM in Jackson County, which is located approximately one mile northwest of the Southern Illinois Airport. This area is shown on the Murphysboro, 7.5 minute USGS quadrangle map;
- 41) Ohio River;
- 42) Wabash River;
- 43) Vermilion River (Wabash River Basin) to West Line, T19N, R11W, 2nd PM in Vermilion County, which is located approximately one mile upstream from the junction with the North Fork. This area is shown on the Danville, SW, 7.5 minute USGS quadrangle map;
- 44) Little Wabash River to the Illinois Highway 1 bridge in Carmi in White County;
- 45) Saline River to junction of North Fork and South Fork;
- 46) Saline River: North Fork to North Line, Sec. 5, T8S, R8E, 3rd PM in Gallatin County, which is located approximately three miles south of the junction of Illinois Highway 141 and U.S. Highway 45. This area is shown on the Ridgway, 7.5 minute USGS quadrangle map;

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47) Saline River: South Fork to West Line, T9S, R8E, 3rd PM in Gallatin County, which is located at the Gallatin-Saline County line. This area is shown on the Equality, 7.5 minute USGS quadrangle map;

48) Horseshoe Lake (Alexander County).

The following public bodies of water are primarily artificial navigable waters that were opened to public use.

- 1) Illinois and Michigan Canal;
- 2) Illinois and Mississippi (Hennepin) Canal and Canal Feeder;
- 3) North Shore Channel (Cook County);
- 4) North Branch Canal of North Branch Chicago River (Cook County);
- 5) Relocated South Branch Chicago River (Cook County);
- 6) Chicago Sanitary and Ship Canal;
- 7) Calumet Sag Channel;
- 8) Marseilles Canal (LaSalle County);
- 9) Chain of Rocks Canal (Madison County);
- 10) Relocated Kaskaskia River.

The following public bodies of water are navigable waters that were dedicated to public use. This list is incomplete. It is believed there are numerous channels and slips in subdivisions on the margins of public bodies of water which have been dedicated by plat. Additional channels and slips have been dedicated by common law.

- 1) Petit Lake, Spring Lake and connecting channels between Bluff Lake and Fox Lake in Lake County.

TREASURER

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- 1) Heading of Part: Merit & Fitness
- 2) Code Citation: 80 Ill. Adm. Code 620
- 3) Section Number: Adopted Action:
620.130 Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 130, pars. 101 et seq.; 15 ILCS 510/1 et seq.
- 5) Effective Date of Amendments: March 22, 1993
- 6) Does this rulemaking contain an automatic repeal date? NO
- 7) Does this amendment contain incorporations by reference? NO
- 8) Date Filed in Agency's Principal Office: March 22, 1993
- 9) Notice of Proposal Published in Illinois Register: 10/9/92 v.16 Ill. Reg. 15347
- 10) Has JCAR issued a Statement of Objection to this rule? NO
- 11) Difference between proposal and final version: As suggested by JCAR, the final version contains a reference to the Illinois Compiled Statutes in the Statutory Authority. In addition, the final version substitutes a U.S. Code citation for a Public Act number.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated? YES
- 13) Will this amendment replace an emergency rule currently in effect? NO
- 14) Are there any other amendments pending on this part? NO

TREASURER

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- 15) Summary and Purpose of the Amendment: This Amendment details the Veterans' preference in the Treasurer's employment code.

- 16) Questions about this adopted rule should be directed to:

Matt Berns, State Treasurer's Office
 State of Illinois Center, Suite 15-600
 100 West Randolph Street
 Chicago, IL 60601

The full text of the adopted rule begins on the next page:

TREASURER

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS
 CHAPTER IV: TREASURER

PART 620

MERIT AND FITNESS

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 620.170
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 Examinations - Time and Place
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 Equal Opportunity
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 Responsibilities of Eligibles
 Appointments-Positions Subject to the Code
 Types of Status
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SUBPART B: CONTINUOUS SERVICE

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 620.310
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Definition
 Interruptions in Continuous Service
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 Veterans Continuous Service
 Peace Corps or Job Corps Enrollees Continuous Service
 Accrual and Retention of Continuous Service During Certain Leaves
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SUBPART C: PERFORMANCE REVIEW

Section
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Performance Records
 Performance Evaluation Forms

SUBPART D: PROBATIONARY STATUS

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Probationary Period
 Certified Status
 Status Change in Probationary Period

SUBPART E: PROMOTIONS

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Definitions
Eligibility for Promotion
Limitations on Promotions
Failure to Complete Probationary Period

SUBPART F: EMPLOYEE TRANSFER

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Intra-agency Transfer
Inter-agency Transfer
Rights of Transferred Employees
Transfer of Duties
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SUBPART G: DEMOTION

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620.820
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620.850
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Definition
Notice to Employee
Employee Obligations
Salary and Other Benefits of Employee
Appeal by Certified Employee
Demotion of Other Employees
Status of Demoted Employees

SUBPART H: LAYOFFS AND REEMPLOYMENT

Section
620.910
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Layoff Procedure
Order of Layoff
Effective Date of Layoff
Disapproval
Reemployment Lists
Reemployment from Reemployment List
Removal of Names from Reemployment List
Laid Off Probationary Employees
Reconsideration Request Laid Off Certified Employee

SUBPART I: VOLUNTARY REDUCTION

Section
620.1010
620.1020
620.1030
620.1040

Voluntary Reduction of Certified and Probationary Employees
Limitations in Voluntary Reduction
Employee Opportunity to Seek Voluntary Reduction
Order of Preference in Voluntary Reduction

SUBPART J: RESIGNATION AND REINSTATEMENT

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Section
620.1110
620.1120

Resignation
Reinstatement

SUBPART K: DISCIPLINE, DISCHARGE, AND DEMOTION

Section
620.1210
620.1220
620.1230

Progressive Corrective Discipline
Discipline-Written Warnings
Suspension Totalling Not More Than Thirty Days in any Twelve Month Period

620.1240 Suspension Totalling More Than Thirty Days in any Twelve Month Period
620.1250 Notice of Suspension to Employee
620.1260 Employee Obligations
620.1270 Hearing-Suspension Thirty Calendar Days or More
620.1280 Suspension Pending Decision on Discharge
620.1290 Approval of Director of Personnel
620.1300 Discharge of Certified Employee
620.1310 Notice of Discharge to Employee
620.1320 Appeal By Employee
620.1330 Discharge of Probationary Employee
620.1340 Reinstatement from Suspension or Discharge
620.1350 Prohibition of Discrimination

AUTHORITY: Implementing and authorized by the State Treasurer Employment Code (Ill. Rev. Stat. 1991, ch. 130, pars. 101 et seq.) [15 ILCS 510-1 et seq.].

SOURCE: Adopted at 15 Ill. Reg. 21036, effective December 11, 1990; amended at 17 Ill. Reg. 4510, effective March 22, 1993.

Section 620.130 Veterans' Preference

Qualified persons who have passed an examination and who have been members of the armed forces of the United States in times of hostilities with a foreign country (as set out in the Code) or while citizens of the United States were members of the armed forces of allies of the United States in time of hostilities with a foreign country shall be granted preference in entrance examinations as follows:

- a) Five points shall be added to the entrance grade for such non-disabled veteran eligibles.
- b) Ten points shall be added to the entrance examination grade for such veteran eligibles currently receiving compensation from the United States Veterans Administration or from such allied country for war service connected disabilities.
- c) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the non veteran eligibles in the same category.

- a) For the granting of appropriate preference in entrance examinations to

NOTICE OF ADOPTED AMENDMENT(S)

qualified persons who have been members of the armed forces of the United States or to unqualified persons who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities with a foreign country, and to certain other persons as set forth in this Section.

1) "time of hostilities with a foreign country," means any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

2) "Armed forces of the United States" means the United States Army, Navy, Air Force, Marine Corps, or Coast Guard. Service in the Merchant Marines that constitutes active duty under 38 U.S.C. 106 shall also be considered service in the Armed Forces of the United States for purposes of this Section.

b) The preference granted under this Section shall be in the form of points added to the final grades of the persons if they otherwise qualify and are entitled to appear on the list of those eligible for appointments.

c) A veteran is qualified for a preference of 10 points if the veteran currently holds proof of a service connected disability from the United States Department of Veterans Affairs or an allied country or if the veteran is a recipient of the Purple Heart.

d) A veteran who has served during a time of hostilities with a foreign country is qualified for a preference of 5 points if the veteran served under one or more of the following conditions:

- 1) The veteran served a total of at least 6 months;
- 2) The veteran served for the duration of hostilities regardless of the length of engagement;
- 3) The veteran was discharged on the basis of hardship; or
- 4) The veteran was released from active duty because of a service connected disability and was discharged under honorable conditions.

e) A person not eligible for a preference under subsection (c) or (d) above is qualified for a preference of 3 points if the person has served in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States and the person:

- 1) service for at least 6 months and has been discharged under honorable conditions;
- 2) has been discharged on the ground of hardship; or
- 3) was released from active duty because of the service connected disability.

An active member of the National Guard or a reserve component of the armed forces of the United States is eligible for the preference if the member meets the service requirements of this subsection.

NOTICE OF ADOPTED AMENDMENT(S)

- f) The rank order of persons entitled to a preference on eligible lists shall be determined on the basis of their augmented ratings. When the Director establishes eligible lists on the basis of category rating, such as "superior", "excellent", "well qualified", and "qualified", the veteran eligible in each such category shall be preferred for appointment before the non-veteran eligibles in the same category. Employees in positions covered by this Code who, while in good standing, leave to engage in military service during a period of hostility, shall be given credit for seniority purposes for time served in the armed forces.
- g) A surviving unmarried spouse of a veteran who suffered a service connected death or the spouse of a veteran who suffered a service connected disability that prevents the veteran from qualifying for civil service employment shall be entitled to the same preference to which the veteran would have been entitled under this Section.
- h) A preference shall also be given to the following individuals: 10 points for one parent of an unmarried veteran who suffered a service connected death or a service connected disability that prevents the veteran from qualifying for civil service employment. The first parent to receive a civil service appointment shall be the parent entitled to the preference.

(Source: Amended at 17 Ill. Reg. 4510, effective March 22, 1993)

DEPARTMENT OF PUBLIC AID

REQUEST FOR EXPEDITED CORRECTION

- 1) Rule Affected: Medical Payment (89 Ill. Adm. Code 140)
- 2) Publication of Rulemaking Requiring Correction:
Amendments to Section 140.579 which were proposed on August 21, 1992 (16 Ill. Reg. 12838) were adopted effective December 1, 1992. The notice of adopted amendments was published on December 11, 1992 (16 Ill. Reg. 19146). The published and filed texts of the adopted amendments failed to include amendments to Section 140.579 which were adopted effective July 24, 1992, and published on July 31, 1992 (16 Ill. Reg. 12186).
- 3) Agency Representative:
Questions or comments concerning this request for correction may be directed to Kenneth E. Mitchell, Chief, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Avenue East, Third Floor, Springfield, Illinois 62762. He may be contacted by telephone at (217) 524-3215.
- 4) Reason Certificate of Correction Is Requested:
These corrections are "omissions . . . that create unintentional discrepancies between adopted rule text and text previously published in the Illinois Register" as provided at 1 Ill. Adm. Code 245.110(a) and Section 7.01(b) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1007.01(b)). The published and filed texts of Section 140.579 adopted effective December 1, 1992, failed to include previous amendments to Section 140.579 which were adopted effective July 24, 1992. This error created the unintentional discrepancies.

5) Effect on the Affected Public:

- a) Public interest to be served: This correction will facilitate public access to the properly adopted text of the rules.
- b) Will any hardship be created for the affected public? No.
- c) Measures taken and to be taken by the agency to make the corrections known to the public: The Department will distribute copies of the corrected Section to the affected public.

- 6) Effective Date of Correction Recommended by the Agency and Explanation of the Recommended Date: December 1, 1992. The effective date of the two sets of amendments will not be affected by the correction, since both sets of amendments were properly adopted effective July 24, 1992, and December 1, 1992, respectively. The inadvertent failure to include the first set of amendments in the text of the subsequent amendments will not affect the effective date. On that basis, the corrected text reflects the amendments as effective December 1, 1992.

DEPARTMENT OF PUBLIC AID

REQUEST FOR EXPEDITED CORRECTION

- 7) Any person who wishes to comment on the request should contact the Joint Committee on Administrative Rules at the address or phone numbers below. However, commenters should be aware that the Joint Committee, in accordance with the expedited nature of this process, will be taking action on this issue as soon as possible.

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield IL 62706
217/785-2254 FAX: 217/524-0567
- 8) The full text of the Section, indicating the requested corrections, follows:

Section 140.579 Specialized Living Centers

Specialized Living Centers (SLC's) shall divide their reimbursement for capital expenses with the State. The facility shall be reimbursed for actual capital expenses up to a maximum of \$2 \$3.50 per day for services provided on or after October 1, 1991. The balance of the capital reimbursement shall be retained by the State. In addition, for SLC's incurring necessary major capital improvements due to correction of original construction deficiencies or necessary major construction improvements mandated by the Department of Public Health the expenses of such improvements will be paid up to a maximum of \$2.00 per day.

(Source: Expedited correction at 17 Ill. Reg. 4517, effective December 1, 1992)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

ARNAVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

Agency of the Party: Amusement and Amusement Ride Inspection Law

Case No.: 6-111, Adm. Code 6000

Reg. State: Notice of Proposed Rules:

17 3922 dated April 2, 1993

Place, time and location of Public Hearing:

April 30, 1993
1 p.m.
Illinois Department of Labor
State of Illinois Building
160 N. LaSalle, Ste. 6-1300
Chicago, IL 60601-3130

All written comments may be submitted within 45 days of the publication of this notice. All correspondence should be addressed to:

Carl Kimpke, Chief Inspector
Carnaval & Amusement Ride Division
Illinois Department of Labor
21 W. Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
Telephone: (217) 782-9347

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 17, 1993 through March 23, 1993, and have been scheduled for review by the Committee at its April 13, 1993 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/19/93	Department of Revenue, Income Tax (86 Ill Adm Code 100)	1/8/93 17 Ill Reg 222	4/13/93
4/30/93	Department of Employment Security, Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 1025)	8/28/92 16 Ill Reg 13188	4/13/93
4/30/93	Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)	1/22/93 17 Ill Reg 702	4/13/93
4/30/93	Department of Public Aid, Medical Assistance Programs (89 Ill Adm Code 120)	1/22/93 17 Ill Reg 711	4/13/93

NOTE:
In the 3/12/93 Register, it was erroneously reported that the Revenue rule going on Second Notice was proposed 5/8/92 (16 Ill Reg 7306). The above rulemaking is the correct posting for the 4/13/93 JCAR meeting.

EXECUTIVE ORDER
93-2
EXECUTIVE ORDER ON IMPLEMENTATION OF TASK FORCE'S
RE-EVALUATION OF ILLINOIS SOCIAL SERVICE PROGRAMS

Whereas, on February 28, 1993 I named a task force to re-evaluate the social service programs of the State; and
Whereas, the State has received a \$200,000 grant from the Annie E. Casey Foundation to conduct the re-evaluation; and
Whereas, the task force needs technical staff assistance to ensure that the grant funds are spent appropriately and in accordance with the provisions of the grant and with the requirements of State law;

Therefore, I, Jim Edgar, pursuant to the authority vested in me by Article V, Section 8 the Illinois Constitution hereby order as follows:

The Illinois Department of Mental Health and Developmental Disabilities shall provide technical assistance to the task force and shall work with the Comptroller's Office to establish an account to receive and disburse the grant funds in accordance with State law.

This Executive Order Number 2 (1993) shall be effective upon filing with the Secretary of State.

Issued by the Governor March 18, 1993.

Filed with the Secretary of State March 18, 1993.

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BANKS AND TRUST COMPANIES, COMMISSIONER OF
Americans With Disabilities Act Grievance Procedure (A-15976/92; CC-1673)
4 Ill. Adm. Code 375

CAPITAL DEVELOPMENT BOARD
4 Ill. Adm. Code 725
71 Ill. Adm. Code 500

CARNIVAL-AMUSEMENT SAFETY BOARD
56 Ill. Adm. Code 6000
Carnival & Amusement Ride Inspection Law (P-3922)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
Acquisition, Management & Disposal of Real Property (P-11378/92; A-1006)
44 Ill. Adm. Code 5000
(P-2105) (E-2361)

80 Ill. Adm. Code 2160
Local Government Health Plan (P-3577)
80 Ill. Adm. Code 302
Merit & Fitness (P-17187/92; A-3169)
80 Ill. Adm. Code 310
Pay Plan (P-191; C-672) (P-13679/92; A-238) (PP-498) (P-13179/92; A-590)
(P-14001/92; A-1819)

80 Ill. Adm. Code 2650
Solicitation for Charitable Payroll Deductions (P-2449)
44 Ill. Adm. Code 1
Standard Procurement (P-12808/92; A-600) (P-3926)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Access to & Eligibility for Child Welfare Services (P-7545/92; A-251)
Appeal of Child Abuse & Neglect Investigation Findings (P-7963/92; A-1026)
Child Custody Investigations & Supervision Related to Custodian or Visitation Judgements (P-1259)

89 Ill. Adm. Code 377
Facilities & Programs Exempt from Licensure (P-7553/92; A-259)
89 Ill. Adm. Code 402
Licensing Standards for Foster Family Homes (P-11707/92; A-267)
89 Ill. Adm. Code 378
Multiple Licensure (PR-7561/92; AR-272)
89 Ill. Adm. Code 309
Review & Appeal Process (PR-7982/92; AR-1044)
89 Ill. Adm. Code 337
Service Appeal Process (P-7999/92; A-1046)
89 Ill. Adm. Code 302
Services Delivered by the Department (P-7565/92; A-274) (P-2460) (E-2513)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

4 Ill. Adm. Code 575
Americans With Disabilities Act Grievance Procedure (A-14621/92; CC-1673)
14 Ill. Adm. Code 520
Enterprise Zone Program (P-13691/92; A-1837)
47 iLL. aDM. cODE 100
Low Income Home Energy Assistance Program (P-16707/92 A-3836)
1 Ill. Adm. Code 300
Small Business Impact Analysis Procedures (P-11391/92; A-1511)
47 Ill. Adm. Code 130
State Administration of the Ill. Neighborhood Corps Program (PR-1)

COMMERCE COMMISSION, ILLINOIS

4 Ill. Adm. Code 400
Americans With Disabilities Act Grievance Procedure (A-12439/92; CC-1673)
83 Ill. Adm. Code 305
Construction of Electric Power & Communication Lines (P-2462)
83 Ill. Adm. Code 756
Dual Party Relay Service (P-14004/92; A-1848)
92 Ill. Adm. Code 1360
Equipment Leases (P-1685)
83 Ill. Adm. Code 590
Minimum Safety Standards for Transportation of Gas & For Gas Pipeline Facilities (P-2466)
83 Ill. Adm. Code 255
Notice Requirements for Change in Rates for Cooling, Electric, Gas, Heating, Telecommunications, Sewer or Water Services (P-13703/92; A-798)

ACTION CODES

A - Adopted Rule
AR - Adopted Repealer
C - Notice of Corrections
CC - Codification Changes
E - Emergency Rule
ER - Emergency Repealer
M - Modification to meet JCAR objections
O - JCAR Statement of Objections
RQ - Request for Correction
EC - Expedited Corrections
P - Proposed Rule
PF - Prohibited Filing Order by JCAR*
PR - Peremptory or Court Ordered Rules
PR - Proposed Repealer
R - Refusal to meet JCAR Objection
RC - Statement of Recommendation
S - Suspension ordered by JCAR
W - Withdrawal to meet JCAR Objections
*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

ABANDONED MINED LANDS RECLAMATION COUNCIL

4 Ill. Adm. Code 1000
Americans With Disabilities Act Grievance Procedure (A-20092/92; CC-1673)

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240
Community Care Program (P-12251/92; A-224)
89 Ill. Adm. Code 220
General Programmatic Requirements (P-883) (E-1179)

AGRICULTURE, DEPARTMENT OF

4 Ill. Adm. Code 550
Americans With Disabilities Act Grievance Procedure (A-11744/92; CC-1673)
8 Ill. Adm. Code 65
Egg & Egg Products Act (P-527)
8 Ill. Adm. Code 256
Lawncare Wash Water & Rinsate Collection (P-14975/92; A-2189)
8 Ill. Adm. Code 125
Meat & Poultry Inspection Act (PP-2063)
8 Ill. Adm. Code 750
Sustainable Agriculture (P-1251)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

4 Ill. Adm. Code 500
Americans With Disabilities Act Grievance Procedure (A-11426/92; CC-1673)

ATTORNEY GENERAL

4 Ill. Adm. Code 125
Americans With Disabilities Act Grievance Procedure (P-2283/92; A-1811)

COMMERCE COMMISSION, ILLINOIS (CONT'D)		
83 Ill. Adm. Code 315	Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies & Electric & Telephone Public Utilities (P-202)	
83 Ill. Adm. Code 280	Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-12810/92; A-805)	
83 Ill. Adm. Code 275	Promotional Practices of Electric & Gas Public Utilities (P-8269/92; A-98; RQ-2075; EC-3902)	
COMMUNITY COLLEGE BOARD, ILLINOIS		
23 Ill. Adm. Code 1501	Administration of the Ill. Public Community College Act (P-12274/92; A-1853)	
4 Ill. Adm. Code 1050	Americans With Disabilities Act Grievance Procedure (P-17399/92; A-4185)	
CONSERVATION, DEPARTMENT OF		
17 Ill. Adm. Code 830	Commercial Fishing & Musseling in Certain Waters of the State (P-17405/92; A-3177)	
17 Ill. Adm. Code 590	Duck, Goose & Coot Hunting (E-1658)	
17 Ill. Adm. Code 810	Sport Fishing Regulations for the Waters of Ill. (P-17414/92; A-3853)	
17 Ill. Adm. Code 720	Taking of Wild Turkeys-Fall Archery Season, The (P-15260/92; A-281)	
17 Ill. Adm. Code 710	Taking of Wild Turkeys-Spring Season, The (P-18181/92; A-3184)	
17 Ill. Adm. Code 670	White-Tailed Deer Hunting by Use of Bow and Arrow (P-15265/92; A-286)	
CORRECTIONS, DEPARTMENT OF		
20 Ill. Adm. Code 440	Advocacy Services (PR-16371/92; AR-1519)	
4 Ill. Adm. Code 475	American With Disabilities Act Grievance Procedure (A-10423/92; CC-1673)	
20 Ill. Adm. Code 525	Rights & Privileges (PP-1666)	
CRIMINAL JUSTICE INFORMATION AUTHORITY		
4 Ill. Adm. Code 150	Americans With Disabilities Act Grievance Procedure (P-1263)	
DEVELOPMENT FINANCE AUTHORITY, ILLINOIS		
14 Ill. Adm. Code 1230	Employee Ownership Assistance Program (P-9222/92; A-1859)	
EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS		
23 Ill. Adm. Code 2310	Functions & Planning Program (P-1691)	
EDUCATION, STATE BOARD OF		
23 Ill. Adm. Code 1	Public Schools Evaluation, Recognition & Supervision (P-8684/92; A-18010/92; EC-3553)	
23 Ill. Adm. Code 228	Transitional Bilingual Education (P-9253/92; A-104)	
EMPLOYMENT SECURITY, DEPARTMENT OF		
56 Ill. Adm. Code 2840	Claimant's Reason For Separation From Work (P-886)	
56 Ill. Adm. Code 2770	Determination of Unemployment Contributions (P-15625/92; A-295)	
56 Ill. Adm. Code 2732	Employment (P-211)	
56 Ill. Adm. Code 2712	General Application (P-17853/92; A-3194)	
56 Ill. Adm. Code 2765	Payment of Unemployment Contributions, Interest & Penalties (P-12006/92; A-308) (P-15638/92; A-614) (P-2523)	
ENVIRONMENTAL PROTECTION AGENCY		
35 Ill. Adm. Code 858	Procedures for Operation of the Non-Hazardous Solid Waste Fee System (P-4621/92; A-4190)	
35 Ill. Adm. Code 876	Processing of Claims for Payment from the Underground Storage Tank Fund (E-16191/92; O-18856/92; RC-18857/92; M-2438)	
35 Ill. Adm. Code 320	Permit Fees for Installing or Extending Sewers (P-2469)	
FARM DEVELOPMENT AUTHORITY, ILLINOIS		
8 Ill. Adm. Code 1400	Ill. Farm Development Authority (P-8297/92; A-3618) (P-3956)	
FINANCIAL INSTITUTIONS, DEPARTMENT OF		
38 Ill. Adm. Code 180	Uniform Disposition of Unclaimed Property Act (P-14006/92; A-123)	
FIRE MARSHAL, OFFICE OF THE STATE		
4 Ill. Adm. Code 200	Americans With Disabilities Act Grievance Procedure (P-1954/92; A-2200)	
41 Ill. Adm. Code 170	Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (E-1186)	
HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS		
77 Ill. Adm. Code 2510	Data Collection (P-1695) (E-2031)	
HEALTH FACILITIES PLANNING BOARD, ILLINOIS		
77 Ill. Adm. Code 1235	Health Care Worker Self-Referral (E-432; O-3056) (P-683)	
HIGHER EDUCATION, BOARD OF		
4 Ill. Adm. Code 975	Americans With Disabilities Act Grievance Procedure (A-19806/92; CC-1673)	
HISTORIC PRESERVATION AGENCY, ILLINOIS		
17 Ill. Adm. Code 4180	Rules for Review of State Agency Undertakings (P-13718/92; A-1521)	
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS		
47 Ill. Adm. Code 370	National Affordable Housing Act (HOME) Program (P-11713/92; A-319)	
HUMAN RIGHTS, DEPARTMENT OF		
56 Ill. Adm. Code 2520	Procedural (P-10)	
INDUSTRIAL COMMISSION, ILLINOIS		
4 Ill. Adm. Code 225	Americans With Disabilities Grievance Procedure (P-7749/92; A-2945)	
50 Ill. Adm. Code 7020	Pre-Arbitration (P14511/92; A-2206)	
INSURANCE, DEPARTMENT OF		
50 Ill. Adm. Code 1408	Actuarial Opinion & Memorandum (P-8735/92; A-4195)	
50 Ill. Adm. Code 920	Actuarial Qualification (PR-2530)	
50 Ill. Adm. Code 927	Anticipated Salvage & Subrogation Recoverable (P-2106)	
50 Ill. Adm. Code 932	Automobile Anti-Theft Mechanisms (P-7279/92; O-1240)	
50 Ill. Adm. Code 1250	Corrective Orders (P-3985)	
50 Ill. Adm. Code 805	Financial Futures Contracts (P-42) (E-154)	

INSURANCE, DEPARTMENT OF (CONT'D)
68 Ill. Adm. Code 1480
Structural Engineering Licensing Act of 1989, The (P-4149)

PUBLIC AID, DEPARTMENT OF
89 Ill. Adm. Code 112
Aid to Families With Dependent Children (P-46) (P-3335/92; A-357)
(P-13381/92; A-813) (P-14522/92; A-813) (P-15277/92; A-243),
(P-18216/92; A-4312)

89 Ill. Adm. Code 113
Aid to the Aged, Blind or Disabled (P-702) (P-13383/92; A-827) (P-14999/92;
A-2263) (P-14533/92; A-3202) (P-17047/92; A-4322)

89 Ill. Adm. Code 110
Application Process (P-13207/92; A-640)
89 Ill. Adm. Code 111
Assistance Standards (P-16491/92; A-3213)
89 Ill. Adm. Code 160
Child Support Enforcement (P-8892/92; A-2272) (P-3820)
89 Ill. Adm. Code 165
Collections & Recoveries (P-2110)
89 Ill. Adm. Code 116
Crisis Assistance (P-13764/92; A-1078)
89 Ill. Adm. Code 144
Developmental Disabilities Service (P-899) (P-2477)
89 Ill. Adm. Code 149
Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
(P-14535/92; A-3217)

89 Ill. Adm. Code 121
Food Stamps (P-13385/92; A-644) (P-15813/92; A-4333)
89 Ill. Adm. Code 114
General Assistance (P-13395/92; A-1091) (P-15008/92; A-2277)
(P-15287/92; A-2277) (P-15810/92; A-3255) (P-14538/92; A-3639)
(P-15287/92; A-2277) (P-15810/92; A-3255) (P-14538/92; A-3639)

89 Ill. Adm. Code 148
Hospital Services (P-10868/92; A-131) (P-14540/92; A-3296)
89 Ill. Adm. Code 120
Medical Assistance Programs (P-711) (P-14544/92; A-1102) (P-2114)
89 Ill. Adm. Code 140
Medical Payment (P-62) (P-13211/92; A-837) (P-7576/92; A-1112) (P-13397/92;
O-1241; R-2436; A-2290; P-3058) (P-15296/92; A-2951) (P-15019/92;
A-3421) (P-12838/92; A-19146/92; RQ-4517)

89 Ill. Adm. Code 104
Practice in Administrative Hearings (P-540) (E-659)
89 Ill. Adm. Code 147
Reimbursement for Nursing Costs for Geriatric Facilities (P-13215/92; A-1128)
(P-1716)

89 Ill. Adm. Code 117
Related Program Provisions (P-2126) (E-2368)
89 Ill. Adm. Code 103
Support Responsibility of Relatives (P-14178/92; A-655)

PUBLIC COUNSEL, OFFICE OF THE
4 Ill. Adm. Code 1075
Americans With Disabilities Act Grievance Procedure (P-14182/92;
A-142)

PUBLIC HEALTH, DEPARTMENT OF
77 Ill. Adm. Code 697
AIDS Confidentiality & Testing Code (E-1204) (P-2687)
77 Ill. Adm. Code 205
Ambulatory Surgical Treatment Center Licensing Requirements (P-3426/92;
A-3507)

77 Ill. Adm. Code 665
Child Health Examination Code (P-2697)
77 Ill. Adm. Code 694
College Immunization Code (P-13414/92; A-2306)
77 Ill. Adm. Code 693
Control of Sexually Transmissible Diseases Code (E-1213) (P-2711)
77 Ill. Adm. Code 900
Drinking Water Standards (P-10870/92; A-4388)
77 Ill. Adm. Code 775
Food Service Sanitation Code (P-723)
77 Ill. Adm. Code 750
Grade A Pasteurized Milk & Milk Products (P-906)
77 Ill. Adm. Code 1130
Health Facilities Planning Procedural Rules (P-4755/92; O-1242)
77 Ill. Adm. Code 250
Hospital Licensing Requirements (P-2016/92; A-1614)
77 Ill. Adm. Code 840
Ill. Health & Hazardous Substances Registry (P-4329/92; A-2319)

INSURANCE, DEPARTMENT OF (CONT'D)
50 Ill. Adm. Code 2013
Group Coverage Discontinuance & Replacement (P-10375/92; A-1525)

50 Ill. Adm. Code 2015
Infertility Coverage (P-696)
50 Ill. Adm. Code 904
Internal Security Standard & Fidelity Bonds (P-3993)
50 Ill. Adm. Code 802
Purchasing & Selling Call & Put Options Contracts (P-44) (E-163)

LABOR, DEPARTMENT OF
56 Ill. Adm. Code 350
Health & Safety (P-3780/92; O-180; R-1239; A-1074)

LABOR RELATIONS BOARD, ILLINOIS STATE/ILLINOIS LOCAL
80 Ill. Adm. Code 1200
General Procedures (P-3703)
80 Ill. Adm. Code 1230
Impasse Resolution (P-3718)
80 Ill. Adm. Code 1210
Representation Proceedings (P-3734)
80 Ill. Adm. Code 1220
Unfair Labor Practice Proceedings (P-3755)

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF
59 Ill. Adm. Code 122
Certification Under Medicaid Rehabilitation Option for Early Intervention
Programs (P-15691/92; RC-3688; A-4236)
59 Ill. Adm. Code 121
Early Intervention Program (P-15715/92; RC-3689; A-4261)

MINES AND MINERALS, DEPARTMENT OF
62 Ill. Adm. Code 240
Ill. Oil & Gas Act, The (E-1195) (P-13722/92; A-2217) (P-3771)
44 Ill. Adm. Code 610
Plugging & Restoration Contracts (P-1697)

NUCLEAR SAFETY, DEPARTMENT OF
32 Ill. Adm. Code 310
General Provisions (P-3787)
32 Ill. Adm. Code 340
Standards for Protection Against Radiation (PR-3997) (P-4070)

POLLUTION CONTROL BOARD
35 Ill. Adm. Code 615
Existing Activities In A Setback Zone or Regulated Recharge Area (P-16465/92;
A-1871)
35 Ill. Adm. Code 616
New Activities In A Setback Zone or Regulated Recharge Area (P-16473/92;
A-1878)
35 Ill. Adm. Code 611
Primary Drinking Water Standards (P-2533)
35 Ill. Adm. Code 605
Sampling & Monitoring (P-2682)

PROFESSIONAL REGULATION, DEPARTMENT OF
4 Ill. Adm. Code 275
Americans With Disabilities Act Grievance Procedure (A-7003/92; CC-1673)
68 Ill. Adm. Code 1210
Collection Agency Act (P-16374/92; A-1535)
68 Ill. Adm. Code 1150
Ill. Architecture Practice Act of 1989 (P-17042/92; A-1554)
68 Ill. Adm. Code 1220
Ill. Dental Practice Act (P-15762/92; A-1559) (P-1708)
68 Ill. Adm. Code 1300
Ill. Nursing Act of 1987 (P-16484/92; A-1572)
68 Ill. Adm. Code 1465
Ill. Speech-Language Pathology & Audiology Practice Act, The (P-890)
68 Ill. Adm. Code 1240
Private Detective, Private Alarm & Private Security Act of 1983 (P-15775/92;
A-1579)
68 Ill. Adm. Code 1430
Public Accounting Act (Professional Conduct) (P-4141)
68 Ill. Adm. Code 1455
Real Estate Appraiser Certification (P-15785/92; A-1589)

PUBLIC HEALTH, DEPARTMENT OF (CONT'D)

77 Ill. Adm. Code 245
77 Ill. Adm. Code 915
77 Ill. Adm. Code 695
77 Ill. Adm. Code 350
77 Ill. Adm. Code 845
77 Ill. Adm. Code 395
77 Ill. Adm. Code 390
77 Ill. Adm. Code 785
77 Ill. Adm. Code 630
77 Ill. Adm. Code 661
68 Ill. Adm. Code 750
77 Ill. Adm. Code 845
77 Ill. Adm. Code 330
77 Ill. Adm. Code 300
Ill. Home Health Agency Code (P-747)
Ill. Water Well & Pump Installation Contractor's License Code, The (P-10989/92; A-4425)
Immunization Code (P-13472/92; A-2975)
Intermediate Care for the Developmentally Disabled Facilities Code (P-4791/92; A-2351) (P-1269) (E-2373)
Lead Poisoning Prevention Code (P-12314/92; O-1243; M-2073; A-1884)
Long-Term Care Assistants & Aides Training Programs Code (P-8066/92; O-A-2984)
Long-Term Care for Under Age 22 Facilities Code (P-1296) (E-2390)
Manufactured Dairy Products (P-920)
Maternal & Child Health Services Code (P-8103/92; A-3013) (P-3069)
Newborn Metabolic Screening & Treatment Code (P-757)
Plumbers Licensing Code (P-15056/92; A-417)
Prevention of Lead Poisoning (P-12314/92; O-1243)
Sheltered Care Facilities Code (P-1321) (E-2405)
Skilled Nursing & Intermediate Care Facilities Code (P-1346) (E-2420)

PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

77 Ill. Adm. Code 1235
77 Ill. Adm. Code 1120
77 Ill. Adm. Code 1130
77 Ill. Adm. Code 1110
Health Care Worker Self-Referral (E-432) (P-683)
Health Facilities Planning Financial & Economic Feasibility Review (P-5205/92; RC-1244; A-4431)
Health Facilities Planning Procedural Rules (P-15321/92; A-4448)
Processing, Classification Policies & Review Criteria (P-15328/92; A-4453)

RACING BOARD, ILLINOIS

11 Ill. Adm. Code 1428
11 Ill. Adm. Code 510
11 Ill. Adm. Code 1413
11 Ill. Adm. Code 1411
11 Ill. Adm. Code 509
11 Ill. Adm. Code 1409
11 Ill. Adm. Code 1305
11 Ill. Adm. Code 1424
11 Ill. Adm. Code 205
11 Ill. Adm. Code 1303
Admissions & Credentials (P-3593) (E-3683)
Claiming Races (P-4155)
Entries, Subscriptions & Declarations (P-13218/92; A-1628)
Jockeys, Apprentices, Jockey Agents, & Valets (P-1372)
Medication (P-6955/92; A-3649)
Ownership, Partnership & Stable Name (P-4158)
Racetrack Operators & Their Duties (P-2439/92; A-3034)
Regulations for Meetings (P-12133/92; A-3038)
Rules of Evidence (P-3594)
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am =	amendment to existing Section	A =	Adopted rule	PF =	Prohibited filing
cc =	codification changes	C =	Correction	S =	Suspension
n =	new Section	P =	Proposed Rule	O =	ICAR Objection
r =	repeal of existing Section	E =	Emergency rule	R =	Refusal to Modify
re =	recodified	PP =	Peremptory rule	F =	Failure to Remedy
# =	renumbered	M =	Modification		Objections Objection
		W =	Withdrawal	RC =	Recommendation
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400.1520 re	(A-4464)	400.1993 re	(A-4464)
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400.1560 re	(A-4464)	400.2020 re	(A-4464)
400.1570 re	(A-4464)	400.2030 re	(A-4464)
400.1580 re	(A-4464)	400.2040 re	(A-4464)
400.1590 re	(A-4464)	400.2050 re	(A-4464)
400.1600 re	(A-4464)	400.2055 re	(A-4464)
400.1610 re	(A-4464)	400.2060 re	(A-4464)
400.1620 re	(A-4464)	400.2070 re	(A-4464)
400.1630 re	(A-4464)	400.2105 re	(A-4464)
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611.110	am	(P-2533)	180.92	n
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611.290	am	(P-2533)	400.140	re
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611.354	n	(P-2533)	400.240	re
611.355	n	(P-2533)	400.250	re
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611.359	n	(P-2533)	400.290	re
611.360	n	(P-2533)	400.310	re
611.361	n	(P-2533)	400.410	re
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611.560	am	(P-2533)	400.430	re
611.611	am	(P-2533)	400.440	re
611.612	am	(P-2533)	400.510	re
611.630	am	(P-2533)	400.610	re
611.640	am	(P-2533)	400.615	re
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400.2300 re	(A-4464)	450.310 re	(A-4475)	450.1150 re	(A-4475)	450.1750 re	(A-4475)
400.2310 re	(A-4464)	450.320 re	(A-4475)	450.1160 re	(A-4475)	450.1760 re	(A-4475)
400.2320 re	(A-4464)	450.330 re	(A-4475)	450.1170 re	(A-4475)	450.1770 re	(A-4475)
400.2330 re	(A-4464)	450.340 re	(A-4475)	450.1175 re	(A-4475)	450.1790 re	(A-4475)
400.2340 re	(A-4464)	450.350 re	(A-4475)	450.1210 re	(A-4475)	1000.110 re	(A-4464)
400.2340 re	(A-4464)	450.410 am	(P-17570/92; A-3513)	450.1220 re	(A-4475)	1000.120 re	(A-4464)
400.2400 re	(A-4464)	450.410 re	(A-4475)	450.1230 re	(A-4475)	1000.130 re	(A-4464)
400.2410 re	(A-4464)	450.420 re	(A-4475)	450.1240 re	(A-4475)	1000.140 re	(A-4464)
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400.2510 re	(A-4464)	450.430 re	(A-4475)	450.1310 re	(A-4475)	1000.143 re	(A-4464)
400.2520 re	(A-4464)	450.440 re	(A-4475)	450.1315 re	(A-4475)	1000.150 re	(A-4464)
400.2530 re	(A-4464)	450.450 re	(A-4475)	450.1320 re	(A-4475)	1000.205 re	(A-4464)
400.2540 re	(A-4464)	450.460 re	(A-4475)	450.1325 re	(A-4475)	1000.210 re	(A-4464)
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400.2700 re	(A-4464)	450.475 re	(A-4475)	450.1335 am	(P-17570/92; A-3513)	1000.230 re	(A-4464)
400.2710 re	(A-4464)	450.480 re	(A-4475)	450.1335 re	(A-4475)	1000.240 re	(A-4464)
450.110 re	(A-4475)	450.490 re	(A-4475)	450.1340 re	(A-4475)	1000.250 re	(A-4464)
450.115 re	(A-4475)	450.610 re	(A-4475)	450.1345 re	(A-4475)	1000.260 re	(A-4464)
450.120 re	(A-4475)	450.620 re	(A-4475)	450.1350 re	(A-4475)	1000.270 re	(A-4464)
450.125 re	(A-4475)	450.630 re	(A-4475)	450.1355 re	(A-4475)	1000.280 re	(A-4464)
450.130 re	(A-4475)	450.640 re	(A-4475)	450.1360 re	(A-4475)	1000.290 re	(A-4464)
450.135 n	(P-17570/92; A-3513)	450.650 re	(A-4475)	450.1410 re	(A-4475)	1000.310 re	(A-4464)
450.135 re	(A-4475)	450.660 re	(A-4475)	450.1420 re	(A-4475)	1000.410 re	(A-4464)
450.140 re	(A-4475)	450.710 re	(A-4475)	450.1510 re	(A-4475)	1000.420 re	(A-4464)
450.145 n	(P-17570/92; A-3513)	450.720 re	(A-4475)	450.1520 re	(A-4475)	1000.430 re	(A-4464)
450.145 re	(A-4475)	450.730 re	(A-4475)	450.1530 re	(A-4475)	1000.440 re	(A-4464)
450.150 re	(A-4475)	450.740 re	(A-4475)	450.1540 re	(A-4475)	1000.510 re	(A-4464)
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450.160 re	(A-4475)	450.810 re	(A-4475)	450.1560 re	(A-4475)	1000.615 re	(A-4464)
450.165 n	(P-17570/92; A-3513)	450.820 re	(A-4475)	450.1570 re	(A-4475)	1000.620 re	(A-4464)
450.165 re	(A-4475)	450.830 re	(A-4475)	450.1580 re	(A-4475)	1000.630 re	(A-4464)
450.170 re	(A-4475)	450.840 re	(A-4475)	450.1590 re	(A-4475)	1000.640 re	(A-4464)
450.175 am	(P-17570/92; A-3513)	450.850 re	(A-4475)	450.1595 re	(A-4475)	1000.650 re	(A-4464)
450.175 re	(A-4475)	450.860 re	(A-4475)	450.1600 re	(A-4475)	1000.660 re	(A-4464)
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450.210 re	(A-4475)	450.930 re	(A-4475)	450.1630 re	(A-4475)	1000.675 re	(A-4464)
450.220 am	(P-17570/92; A-3513)	450.940 am	(P-17570/92; A-3513)	450.1640 re	(A-4475)	1000.680 re	(A-4464)
450.220 re	(A-4475)	450.940 re	(A-4475)	450.1650 re	(A-4475)	1000.690 re	(A-4464)
450.230 re	(A-4475)	450.950 re	(A-4475)	450.1660 re	(A-4475)	1000.700 re	(A-4464)
450.240 re	(A-4475)	450.1010 re	(A-4475)	450.1670 re	(A-4475)	1000.710 re	(A-4464)
450.250 re	(A-4475)	450.1020 am	(P-17570/92; A-3513)	450.1680 re	(A-4475)	1000.720 re	(A-4464)
450.255 re	(A-4475)	450.1020 re	(A-4475)	450.1690 re	(A-4475)	1000.810 re	(A-4464)
450.260 am	(P-17570/92; A-3513)	450.1030 re	(A-4475)	450.1700 re	(A-4475)	1000.910 re	(A-4464)
450.260 re	(A-4475)	450.1110 re	(A-4475)	450.1720 re	(A-4475)	1000.1010 re	(A-4464)
450.270 re	(A-4475)	450.1120 re	(A-4475)	450.1730 re	(A-4475)	1000.1020 re	(A-4464)
450.280 re	(A-4475)	450.1130 re	(A-4475)			1000.140 re	(A-4464)

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1050.1335 re	(A-4475)	1075.1840 n	(P-2727)	1075.2085 n	(P-2727)	1075.2580 n	(P-2727)
1050.1340 re	(A-4475)	1075.1845 n	(P-2727)	1075.2090 n	(P-2727)	TITLE 41	
1050.1345 re	(A-4475)	1075.1855 n	(P-2727)	1075.2095 n	(P-2727)	170.530	am
1050.1350 re	(A-4475)	1075.1860 n	(P-2727)	1075.2100 n	(P-2727)	TITLE 44	
1050.1355 re	(A-4475)	1075.1865 n	(P-2727)	1075.2105 n	(P-2727)	1.100	am
1050.1360 re	(A-4475)	1075.1870 n	(P-2727)	1075.2110 n	(P-2727)	1.350	am
1050.1410 re	(A-4475)	1075.1875 n	(P-2727)	1075.2115 n	(P-2727)	1.515	n
1050.1420 re	(A-4475)	1075.1880 n	(P-2727)	1075.2120 n	(P-2727)	1.530	am
1050.1510 re	(A-4475)	1075.1885 n	(P-2727)	1075.2125 n	(P-2727)	1.610	am
1050.1520 re	(A-4475)	1075.1890 n	(P-2727)	1075.2130 n	(P-2727)	1.620	am
1050.1530 re	(A-4475)	1075.1895 n	(P-2727)	1075.2135 n	(P-2727)	1.630	am
1050.1540 re	(A-4475)	1075.1900 n	(P-2727)	1075.2140 n	(P-2727)	1.630	am
1050.1550 re	(A-4475)	1075.1905 n	(P-2727)	1075.2145 n	(P-2727)	1.2215	am
1050.1560 re	(A-4475)	1075.1910 n	(P-2727)	1075.2150 n	(P-2727)	610.100	n
1050.1570 re	(A-4475)	1075.1915 n	(P-2727)	1075.2155 n	(P-2727)	610.110	n
1050.1580 re	(A-4475)	1075.1920 n	(P-2727)	1075.2160 n	(P-2727)	610.120	n
1050.1590 re	(A-4475)	1075.1925 n	(P-2727)	1075.2165 n	(P-2727)	610.200	n
1050.1595 re	(A-4475)	1075.1930 n	(P-2727)	1075.2170 n	(P-2727)	610.210	n
1050.1600 re	(A-4475)	1075.1935 n	(P-2727)	1075.2200 n	(P-2727)	610.220	n
1050.1610 re	(A-4475)	1075.1940 n	(P-2727)	1075.2210 n	(P-2727)	610.230	n
1050.1620 re	(A-4475)	1075.1945 n	(P-2727)	1075.2220 n	(P-2727)	610.240	n
1050.1630 re	(A-4475)	1075.1950 n	(P-2727)	1075.2230 n	(P-2727)	610.250	n
1050.1640 re	(A-4475)	1075.1955 n	(P-2727)	1075.2240 n	(P-2727)	610.260	n
1050.1650 re	(A-4475)	1075.1960 n	(P-2727)	1075.2300 n	(P-2727)	610.270	n
1050.1660 re	(A-4475)	1075.1965 n	(P-2727)	1075.2310 n	(P-2727)	610.280	n
1050.1670 re	(A-4475)	1075.1970 n	(P-2727)	1075.2320 n	(P-2727)	610.300	n
1050.1680 re	(A-4475)	1075.1975 n	(P-2727)	1075.2330 n	(P-2727)	610.310	n
1050.1690 re	(A-4475)	1075.1980 n	(P-2727)	1075.2340 n	(P-2727)	610.320	n
1050.1700 re	(A-4475)	1075.1985 n	(P-2727)	1075.2350 n	(P-2727)	610.330	n
1050.1720 re	(A-4475)	1075.1990 n	(P-2727)	1075.2360 n	(P-2727)	610.340	n
1050.1730 re	(A-4475)	1075.1995 n	(P-2727)	1075.2370 n	(P-2727)	610.350	n
1050.1740 re	(A-4475)	1075.2000 n	(P-2727)	1075.2380 n	(P-2727)	5000.230	am
1050.1750 re	(A-4475)	1075.2005 n	(P-2727)	1075.2390 n	(P-2727)	5000.900	n
1050.1760 re	(A-4475)	1075.2010 n	(P-2727)	1075.2400 n	(P-2727)	5000.910	n
1050.1770 re	(A-4475)	1075.2015 n	(P-2727)	1075.2410 n	(P-2727)	5000.920	n
1050.1790 re	(A-4475)	1075.2020 n	(P-2727)	1075.2420 n	(P-2727)	5000.930	n
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1075.1425 am	(P-2727)	1075.2030 n	(P-2727)	1075.2440 n	(P-2727)	5000.950	n
1075.1700 n	(P-2727)	1075.2035 n	(P-2727)	1075.2450 n	(P-2727)	5000.960	n
1075.1710 n	(P-2727)	1075.2040 n	(P-2727)	1075.2460 n	(P-2727)	5000.970	n
1075.1800 n	(P-2727)	1075.2045 n	(P-2727)	1075.2500 n	(P-2727)	5000.Ap.B	n
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1075.1815 n	(P-2727)	1075.2060 n	(P-2727)	1075.2530 n	(P-2727)	100.105	am
1075.1820 n	(P-2727)	1075.2065 n	(P-2727)	1075.2540 n	(P-2727)	100.Ap.A	A
1075.1825 n	(P-2727)	1075.2070 n	(P-2727)	1075.2550 n	(P-2727)	100.Ap.A	A
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..II.E	am	370.504
..II.F	am	370.505
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130.20	f	370.507
130.30	f	370.601
130.40	f	370.602
130.50	f	370.603
130.60	f	370.604
130.70	f	370.605
130.80	f	370.701
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370.101	n	370.705
370.102	n	370.706
370.103	n	370.707
370.104	n	370.801
370.105	n	370.802
370.106	n	370.901
370.107	n	370.902
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	920.10	r	(P-2530)	2520.770	am
	920.20	r	(P-2530)	2520.780	am
	927.10	am	(P-2106)	2520.790	am
	927.20	am	(P-2106)	2520.795	am
	927.30	am	(P-2106)	2520.797	am
	932.20	am	(P-7279/92; O-1240)	2520.80	am
	932.40	am	(P-7279/92; O-1240)	2520.81	am
	932.60	am	(P-7279/92; O-1240)	2520.82	am
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	1250.40	n	(P-3985)	2712.208	am
	1408.10	n	(P-8735/92; A-4195)	2732.227	n
	1408.20	n	(P-8735/92; A-4195)	2732.228	n
	1408.30	n	(P-8735/92; A-4195)	2765.5	am
	1408.40	n	(P-8735/92; A-4195)	2765.50	am
	1408.50	n	(P-8735/92; A-4195)	2765.64	n
	1408.60	n	(P-8735/92; A-4195)	2765.66	am
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	1408.80	n	(P-8735/92; A-4195)	2765.71	n
	1408.90	n	(P-8735/92; A-4195)	2765.74	n
	1408.80	n	(P-8735/92; A-4195)	2765.75	am
	1408.90	n	(P-8735/92; A-4195)	2765.76	am
	1408.11.A	n	(P-8735/92; A-4195)	2765.77	am
	2013.10	am	(P-10375/92; A-1525)	2765.329	n
	2013.20	am	(P-10375/92; A-1525)	2765.330	n
	2013.30	am	(P-10375/92; A-1525)	2765.333	am
	2013.40	am	(P-10375/92; A-1525)	2765.334	am
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	2013.60	am	(P-10375/92; A-1525)	2770.100	am
	2013.70	am	(P-10375/92; A-1525)	2770.105	am
	2013.10	n	(P-696)	2770.110	am
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	2015.20	n	(P-696)	6000.120	am
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		1240.15 am	(P-15775/92; A-1579)
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740.10	am	(P-585)	300.270	n	(E-2420)	395.130	am	(P-8066/92; A-2984)	697.20	am
740.20	am	(P-585)	300.271	n	(E-2420)	395.140	am	(P-8066/92; A-2984)	697.30	am
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750.60	n	(P-777)	330.290	am	(E-2405)	630.220	am	(P-8069)	775.140	am
750.60	n	(P-777)	330.730	am	(P-1321)	661.70	am	(P-757)	775.150	n
750.70	r	(P-762)	330.916	r	(P-1321)	665.100	am	(P-2697)	785.110	am
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750.80	n	(P-777)	350.175	am	(P-1269)	665.140	am	(P-2697)	785.290	am
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750.90	r	(P-777)	350.260	am	(E-2373)	665.210	am	(P-2697)	785.355	n
750.100	r	(P-777)	350.270	am	(P-1269)	665.220	am	(P-2697)	785.578	n
750.100	n	(P-777)	350.271	n	(E-2373)	665.230	am	(P-2697)	785.1210	n
750.110	r	(P-762)	350.278	am	(E-2373)	665.240	am	(P-2697)	785.1220	n
750.110	n	(P-777)	350.290	am	(E-2373)	665.280	am	(P-2697)	840.20	am
750.120	r	(P-777)	350.640	am	(P-1269)	665.310	am	(P-2697)	840.115	am
750.120	n	(P-777)	350.680	am	(P-1269)	665.420	am	(P-2697)	840.210	am
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750.140	r	(P-777)	350.3730	am	(P-4791/92; A-2351)	665.620	am	(P-2697)	840 Ap.B	am
750.150	n	(P-777)	350.175	am	(P-1269)	665.630	am	(P-2697)	.Ex.A	am
750 Ap.A	r	(P-762)	390.180	am	(P-1296)	665.640	am	(P-2697)	.Il.A	r
750 Ap.A	n	(P-777)	390.260	am	(E-2390)	665 Ap.B	r	(P-2697)	.Ex.B	n
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750 Ap.B	r	(P-777)	390.271	n	(E-2390)	693.20	am	(E-1213) (P-2711)	840 Ap.C	am
750 Ap.C	n	(P-762)	390.278	am	(E-2390)	694.20	am	(E-1213) (P-2711)	.Ex.B	am
750 Ap.C	n	(P-777)	390.290	am	(E-2390)	694.100	am	(P-13414/92; A-2306)	845.10	am
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			390.680	am	(P-1296)	694.120	am	(P-13414/92; A-2306)	845.20	am
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			390.3210	am	(P-1296)	694 Ap.B	r	(P-13414/92; A-2306)	845.25	n
			390.3210	am	(P-1296)	695.10	am	(P-13472/92; A-2975)	845.26	n
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		M-2073; A-1884)	1130.Ap.A	am	(P-4755/92; O-1242)	1200.50	am
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845.50	am	(P-12314/92; A-1884)	1235.20	n	(E-432; O-3056 (P-683)	1200.80	am
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845.Ex.C	n	(P-12314/92; A-1884)	1235.200	n	(E-432; O-3056 (P-683)	1200.140	am
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845.Ap.C	n	(P-12314/92; A-1884)	1235.220	n	(E-432; O-3056 (P-683)	1210.10	am
845.II.A	n	(P-12314/92; A-1884)	1235.230	n	(E-432; O-3056 (P-683)	1210.100	am
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900.Tb.H	n	(P-10870/92; A-4388)			(P-14001/92; A-1819)	1230.80	am
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915.40	n	(P-10989/92; A-4425)	Tb.M	n	(P-13179/92; A-590)	1650.230	am
915.50	n	(P-10989/92; A-4425)	Tb.N	am	(PP-498)	1650.240	am
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1110.235	n	(P-15328/92; A-4453)	310.Ap.C	am	(P-191) (P-14001/92; A-1819)	1650.330	am
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1120.130	n	(P-5205/92; A-4431)			(P-12409/92; W-869)	1650.460	am
1120.210	n	(P-5205/92; A-4431)			(P-91; W-869)	1650.510	am
1120.310	n	(P-5205/92; RC-1244; A-4431)	1200.10	am	(P-15347/92; A-4510)	1650.520	am
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105.900				148.140	am	(P-14540/92; A-3296)
105.910				148.150	am	(P-14540/92; A-3296)
105.920				148.160	am	(P-14540/92; A-3296)
105.1000				148.170	am	(P-14540/92; A-3296)
110.115				148.180	am	(P-14540/92; A-3296)
130.220				148.190	am	(P-14540/92; A-3296)
150.Tb.A				148.200	am	(P-14540/92; A-3296)
210.101				148.210	am	(P-14540/92; A-3296)
210.105				148.220	am	(P-14540/92; A-3296)
210.110				148.230	am	(P-14540/92; A-3296)
210.115				148.240	am	(P-14540/92; A-3296)
210.120				148.250	am	(P-14540/92; A-3296)
210.125				148.260	am	(P-14540/92; A-3296)
210.126				148.270	am	(P-14540/92; A-3296)
210.130				148.280	am	(P-14540/92; A-3296)
530.115				148.290	am	(P-14540/92; A-3296)
530.125				148.310	am	(P-14540/92; A-3296)
535.101				148.320	am	(P-14540/92; A-3296)
535.105				149.10	n	(P-14535/92; A-3217)
535.110				149.25	am	(P-14535/92; A-3217)
535.115				149.50	am	(P-14535/92; A-3217)
535.120				149.75	am	(P-14535/92; A-3217)
535.125				149.100	am	(P-14535/92; A-3217)
535.130				149.105	am	(P-14535/92; A-3217)
				149.125	am	(P-14535/92; A-3217)

TITLE 89 (CONT'D)	116.500	am	(P-13764/92; A-1078)	144.5	am	(P-2477)
116.520	117.15	r	(P-13764/92; A-1078)	144.56	am	(P-2477)
117.15	120.61	am	(P-2126) (E-2368)	144.75	am	(P-2477)
120.61	120.70	am	(P-2114)	144.125	am	(P-2477)
120.70	120.73	n	(P-711)	144.150	am	(P-2477)
120.73	120.75	n	(P-711)	144.175	am	(P-2477)
120.75	120.385	r	(P-711)	144.205	am	(P-2477)
120.385	121.3	am	(P-14544/92; A-1102)	144.230	n	(P-896)
121.3	121.23	r	(P-13385/92; A-644)	144.250	am	(P-2477)
121.23	121.24	r	(P-15813/92; A-4333)	147.5	am	(P-1716)
121.24	121.25	r	(P-15813/92; A-4333)	147.150	am	(P-13215/92; A-1128)
121.25	121.26	r	(P-15813/92; A-4333)	147.205	am	(P-13215/92; A-1128)
121.26	121.27	r	(P-15813/92; A-4333)	147.25	am	(P-1716)
121.27	121.28	r	(P-15813/92; A-4333)	147.75	am	(P-1716)
121.28	121.29	r	(P-15813/92; A-4333)	148.25	n	(P-14540/92; A-3296)
121.29	121.41	am	(P-13385/92; A-644)	148.30	am	(P-14540/92; A-3296)
121.41	121.59	am	(P-13385/92; A-644)	148.40	am	(P-14540/92; A-3296)
121.59	121.76	n	(P-13385/92; A-644)	148.50	am	(P-14540/92; A-3296)
121.76	121.160	n	(P-13385/92; A-644)	148.60	am	(P-14540/92; A-3296)
121.160	121.162	n	(P-15813/92; A-4333)	148.70	am	(P-14540/92; A-3296)
121.162	121.164	n	(P-15813/92; A-4333)	148.80	am	(P-10868/92; A-131)
121.164	121.166	n	(P-15813/92; A-4333)	148.120	am	(P-14540/92; A-3296)
121.166	121.170	n	(P-15813/92; A-4333)	148.130	am	(P-14540/92; A-3296)
121.170	121.172	n	(P-15813/92; A-4333)	148.140	am	(P-14540/92; A-3296)
121.172	121.174	n	(P-15813/92; A-4333)	148.150	am	(P-14540/92; A-3296)
121.174	121.176	n	(P-15813/92; A-4333)	148.160	am	(P-14540/92; A-3296)
121.176	121.178	n	(P-15813/92; A-4333)	148.170	am	(P-14540/92; A-3296)
121.178	121.180	n	(P-15813/92; A-4333)	148.180	am	(P-14540/92; A-3296)
121.180	121.182	n	(P-15813/92; A-4333)	148.190	am	(P-14540/92; A-3296)
121.182	121.184	n	(P-15813/92; A-4333)	148.200	am	(P-14540/92; A-3296)
121.184	121.186	n	(P-15813/92; A-4333)	148.210	am	(P-14540/92; A-3296)
121.186	121.188	n	(P-15813/92; A-4333)	148.220	am	(P-14540/92; A-3296)
121.188	121.190	n	(P-15813/92; A-4333)	148.230	am	(P-14540/92; A-3296)
121.190	140.19	am	(P-62)	148.240	am	(P-14540/92; A-3296)
140.19	140.80	n	(P-15019/92; A-3421)	148.250	am	(P-14540/92; A-3296)
140.80	140.82	n	(P-15019/92; A-3421)	148.260	am	(P-14540/92; A-3296)
140.82	140.84	n	(P-15019/92; A-3421)	148.270	am	(P-14540/92; A-3296)
140.84	140.94	am	(P-15019/92; A-3421)	148.280	am	(P-14540/92; A-3296)
140.94	140.95	am	(P-15019/92; A-3421)	148.290	am	(P-14540/92; A-3296)
140.95	140.492	am	(P-13397/92; O-1241)	148.310	am	(P-14540/92; A-3296)
140.492	140.525	am	R-2436; A-2290; F-3058)	148.320	am	(P-14540/92; A-3296)
140.525	140.538	am	(P-13211/92; A-837)	149.10	n	(P-14535/92; A-3217)
140.538	140.579	am	(P-13211/92; A-837)	149.25	am	(P-14535/92; A-3217)
140.579			(P-12838/92; A-19146/92;	149.50	am	(P-14535/92; A-3217)
			RQ-4517)	149.75	am	(P-14535/92; A-3217)
	140.700	am	(P-7576/92; A-1112)	149.100	am	(P-14535/92; A-3217)
	140.Tb.K	am	(P-15296/92; A-2951)	149.105	am	(P-14535/92; A-3217)

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309.9 r	(P-7982/92; A-1044)	337.150 n	(P-7999/92; A-1046)	1200.50 am	(P-15354/92; A-1137)
309.10 r	(P-7982/92; A-1044)	337.160 n	(P-7999/92; A-1046)	1200.60 am	(P-15354/92; A-1137)
309.11 r	(P-7982/92; A-1044)	337.170 n	(P-7999/92; A-1046)	1200.70 am	(P-15354/92; A-1137)
309.12 r	(P-7982/92; A-1044)	337.180 n	(P-7999/92; A-1046)	1200.80 am	(P-15354/92; A-1137)
309.13 r	(P-7982/92; A-1044)	337.190 n	(P-7999/92; A-1046)	1200.100 am	(P-15354/92; A-1137)
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330.6 am	(P-1259)	378.4 r	(P-7561/92; A-272)	67.90 n	(P-1767)
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336.40 n	(P-7963/92; A-1026)	505.30 am	(P-1731)	67.130 n	(P-1767)
336.50 n	(P-7963/92; A-1026)	505.40 am	(P-1731)	67.140 n	(P-1767)
336.60 n	(P-7963/92; A-1026)	505.50 am	(P-1731)	67.150 n	(P-1767)
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704.90 n	(P-17244/92; A-4494)	2520.210 r	(P-566)
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2520.110 r	(P-566)	2520.223 r	(P-566)
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2520.200 r	(P-566)	2520.224 r	(P-566)
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